

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40286 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- KHUDWA District- Aurangabad

KAMLESH YADAV So of Laldeo Yadav Resident of Village - Birhara Tola
Chaman Bigha, P.S. - Haspura, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 24-01-2023 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Khudwan P.S. Case No. 31 of 2021 for the offence registered under Sections 379, 384 and 34 of the Indian Penal Code. Later on, Section 27 of the Arms Act and Section 17 of the C.L.A. Act have been added to the set of allegation.

The case of the prosecution, in brief, according to the informant, who is the owner of petrol pump in Khudwa Bazar, namely, M/s. Jaivind Kishan Sewa Kendra, is that on 28.05.2021 at about 9:30 P.M., six unknown miscreants on two motorcycles had arrived at the said petrol pump and



had given a parcha of Bhartiya Communist Party (Maoist), Magadh Zonal Committee with a threat that in case the owner of the petrol pump wants to run petrol pump, he should pay ransom amount, failing which the owner of the petrol pump would have to face dire consequences. It is also alleged that one of the miscreants had snatched mobile phone from the petrol pump staff and had then fled away while firing in the air.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 29.06.2021. It is further submitted that on account of the bad antecedent of the petitioner, the petitioner has been made an accused in the present case, whereas the fact is that no such incident had ever taken place and in fact no evidence has been collected during the course of investigation to connect the petitioner with the alleged crime. Lastly, it is submitted that similarly situated co-accused person has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.09.2022 passed in Criminal



Miscellaneous No. 37931 of 2022.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the parity of the case of the petitioner with that of the co-accused person who has already been granted bail by a co-ordinate Bench of this Court, I deem it fit and proper to admit the petitioner to the privilege of bail.

Accordingly, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Daudnagar, District-Aurangabad in connection with Khudwan P.S. Case No. 31 of 2021.

(Mohit Kumar Shah, J)

S.Sb/-

U		T	
---	--	---	--

