

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40075 of 2023

Arising Out of PS. Case No.-115 Year-2013 Thana- BARACHATTI District- Gaya

RAJESH YADAV Son of Babulal Yadav Resident of village - Garwaiya Tola,
Reganiya Tand, P.S. - Barachatti, Distt - Gaya

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Barachatti P.S. Case No. 115 of 2013 registered for the offences punishable under Sections 447, 341, 323, 379/34 of the Indian Penal Code read with Section 27 of the Arms Act.

3. As per prosecution case, petitioner alongwith others after breaking the lock of the informant's shop in the night looted goods and Rs. 30,000/- in cash. It is further alleged that co-accused Sunil Yadav @ Lalu Yadav fired upon the informant's wife when she raised hue and cry about the incident.

4. Learned counsel for the petitioner submits that petitioner is in custody since 15.03.2023 and bears criminal antecedent of one case. Charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence. After perusal of F.I.R., it appears that the specific allegation of firing is against co-accused Sunil Yadav @ Lalu Yadav. He further submits that allegations have been made in the background of some trivial dispute between the parties over tying of cattle at a particular place. Petitioner and informant are co-villager, and hence, the petitioner has falsely been implicated in the present case. He further submits that co-accused Tilak Yadav @ Naresh Yadav has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 49842 of 2022 and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, co-accused has already been granted bail by the Co-ordinate Bench of this Court, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. II, Sherghati at Gaya in connection with Barachatti P.S. Case No. 115 of 2013, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

alok/-

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

