

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42167 of 2023

Arising Out of PS. Case No.-224 Year-2022 Thana- GOPALPUR District- Bhagalpur

RAJESH YADAV SON OF RAM BILASH YADAV @ RAM VILASH
YADAV RESIDENT OF VILLAGE- LATRA PS- GOPALPUR DIST-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Gopalpur (Rangra) P.S. Case No. 224 of 2022 registered for the
offences punishable under Section 394 of the Indian Penal Code
read with Section 27 of the Arms Act.

3. As per prosecution case, informant's motorcycle
and backpack bag were snatched by three miscreants at the point
of pistol. It is further alleged that one of the miscreants assaulted
the informant by means of butt of pistol upon his head as a
result of which he sustained injury. It is further alleged that
miscreants fired upon the informant which hit the mobile of the
informant as a result of which informant's mobile destroyed.



4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R.. He further submits that during the course of investigation his name has been transpired in this case upon the confessional statement of co-accused at para 89 of the case diary, as mentioned in impugned order. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Nothing has been recovered from the possession of the petitioner. No T.I.P. has been conducted uptill now. He further submits that petitioner is innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in the present case. Petitioner is in custody since 20.10.2022 and bears criminal antecedent of three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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, 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 Additional Chief Judicial Magistrate IIIrd, Naugachhia, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 224 of 2022, 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)

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