

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61598 of 2023**

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

PAWAN YADAV S/O MAHESH YADAV @ BHARRI YADAV @ BIHARI
YADAV R/O VILLAGE- LATRA, PS. GOPALPUR, DIST. BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 27-09-2023 Heard learned counsel for the petitioner and Mr. Ram Naresh Ray, learned A.P.P. for the State.

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

Three unknown miscreants are alleged to have committed loot of the informant on the point of pistol after assaulting him from the butt of the gun causing him head injury.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been named in the F.I.R., however, his name transpired in this case at the behest of local spy and thereafter confessional statement of



the petitioner has been recorded in which he has confessed his guilt in the present case. He further submits that nothing incriminating has been recovered from the house or conscious possession of the petitioner nor T.I.P. has been conducted by the prosecution as yet. Moreover, co-accused, Rohit Raj @ Ranjan Yadav has already been granted bail by this Court vide order dated 19.09.2023 passed in Cr. Misc. No. 48258 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 20.10.2022.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries six more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 A.C.J.M.-III, Naugachia, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 224 of 2022 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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