

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48258 of 2023

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

Rohit Raj @ Ranjan Yadav Son Of Bijendra Yadav @ Bijo Yadav Resident Of
Village - Latra, P.S. - Gopalpur, District – Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate
For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
20.10.2022 in connection with Gopalpur (Rangra) P.S. Case No.
224 of 2022, F.I.R. dated 11.05.2022 for the offences punishable
under Sections 394 of the IPC and 27 of the Arms Act.

3. According to 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 innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and during the course of investigation his name has been transpired in this case on the basis of the confessional statement of co-accused namely, Pawan Yadav at para 89 of the case diary, as mentioned in impugned order and except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Learned counsel for the petitioner further submits that co-accused person namely Rajesh Yadav has been granted bail vide order dated 21.07.2023 in Cr. Misc. No.42167 of 2023 and the police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 20.10.2022.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six more criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned ACJM,



IIIrd, Naugachia, Bhagalpur in connection with Gopalpur (Rangra) P.S. Case No. 224 of 2022, subject to the following conditions:-

i. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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)

Prakash Narayan

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