

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54756 of 2023

Arising Out of PS. Case No.-125 Year-2022 Thana- RAFIGANJ District- Aurangabad

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Anil Yadav @ Anil Vyas S/O Nathun Yadav R/O Village- Chandoul, Ps.
Rafiganj, Dist. Aurangabad (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhim Sen Upadhyay, Advocate

For the Opposite Party/s : Mr.Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Rafiganj P.S. Case No.125 of 2022 instituted under Sections 18, 18(B)m20,38,39 UAP Act 1967 lodged on 13.04.2022 by the informant Ram Ekbal Yadav.

As per the prosecution story, the allegation against the petitioner is that the informant received confidential information that petitioner is working for the extremist Ramanji and propagating extremist ideology among common people. Accordingly, he was apprehended. On inquiry, he stated that he is a singer and works in marriage function, upon force, confessed that he was provided five envelopes addressed to different persons. On his confession, the envelopes were recovered/seized followed by the arrest, FIR.

It is the case of the petitioner that he is actually a



singer and having his livelihood through singing in the marriage. He has been dragged in the case and an extremist tag has been put on head despite the fact that he has no criminal antecedent and further it has resulted into his custody since 14.04.2022 (para-8 of the petition).

Learned APP opposes the prayer for bail stating that on his confession the envelopes were recovered.

Taking into account the facts on record, the submissions put forward by the parties, is in custody since 14.04.2022, no extremist role has been alleged, do not have criminal antecedent, is ready to abide by terms and conditions by appearing diligently in course trial, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Rafiganj P.S. Case No.125 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Aurangabad, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for a year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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