

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57505 of 2023

Arising Out of PS. Case No.-375 Year-2023 Thana- FATEHPUR District- Gaya

1. CHIRANJIVI YADAV son of Sanjay Yadav Village- Balaghat Ps- Balaghat Dist- Balaghat M.P
2. Kush Raw @ Kush Rao son of Jagarnath Raw Village- Parva Court Ps- Korai Dist-Jaipuro Odisha
3. Patel Banni @ Banni Patel son of Patela Channa Village- Batargaonda Ps- Betargonda Dist- Nellore A.P

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Fatehpur P.S. Case No. 375 of 2023 for the offence punishable under Section 394 of the Indian Penal Code lodged on 1.6.2023 by the informant, Sona Devi.

As per the prosecution story, the accused persons tried to snatch Rs. 45000/- withdrawn from the Bank by the informant. However, he raised alarm and the villagers caught hold of the accused persons. Accordingly, they were arrested and the FIR lodged.

It is the case of the petitioners that they cannot be a



part and parcel of the same crime as they belong to different States, they were in the 'Ferry' business, the villagers caught hold of them as considering them as the persons who snatched the cash and accordingly already suffered before taking them into custody and further none of them have criminal antecedent.

Learned APP opposes the prayer stating that they have been caught red handed.

Considering the aforesaid submission put forward by the parties, all of them are young boys and do not have criminal antecedent and have remained in custody since 2.6.2023 (para-9 of the petition), this Court is inclined to extend them the privilege of bail with conditions.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-Xth, Gaya, in connection with Fatehpur P.S. Case No. 375 of 2023 subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;
- (ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

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

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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