

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55347 of 2022

Arising Out of PS. Case No.-1400 Year-2021 Thana- NAWADA District- Nawada

RAJBALLAB YADAV @ RAJBALLAM KUMAR, Son of Chhotelal Yadav,
R/V- Mahadev Bigha, P.S- Warisaliganj, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 15-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Birendra Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Nawada Town P.S. Case No. 1400 of 2021 registered for the offences punishable under Sections 323, 341, 504, 379/34 of the Indian Penal Code. Later on, Section 394 of the Indian Penal Code has been added.

As per prosecution case, it is alleged that while the informant was going to his paternal house by keeping his Laptop and other articles as well as cash amount in his bag, in the meantime, three miscreants came on a motorcycle, overtook him and started abusing and thereafter all of them snatched the



bag containing the aforesaid belongings and helmet and fled away.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against unknown miscreants, however, during the course of investigation one Raushan Kumar was apprehended and the name of the petitioner along with two others surfaced in the confessional statement of aforesaid Raushan Kumar. He further submits that another co-accused persons, namely, Akshay Kumar, whose name also transpired in the confessional statement of said Raushan Kumar, has already been allowed the privilege of bail by a learned coordinate Bench of this Court in Cr. Misc. No. 53957 of 2022 vide order dated 23.12.2022. He lastly submits that though the petitioner is in custody since 14.06.2022, but till date he has neither been put on Test Identification Parade nor any incriminating material has been recovered from his possession, apart from he being a man of fair antecedent.

On the other, hand learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner transpired in the confessional statement of co-accused and nothing has been recovered from his person or possession



and he has not been put on Test Identification Parade till date and the similarly circumstanced co-accused has already been granted bail by a learned coordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Nawada Town P.S. Case No. 1400 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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