

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57110 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BAUNSI District- Banka

ANANT KUMAR @ ANANT KUMAR YADAV S/O- DIN BANDHU
PRASAD YADAV R/O- VILLAGE- TELIYA TIKAR, P.S.- PORAIYA HAT,
DIST.- GODDA (JHARKHAND)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57422 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BAUNSI District- Banka

NAYAN YADAV Son of Jay Krishan Yadav R/o vill - Drupad, P.S. - Poraiya
Hat, Distt. - Godda (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57110 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 57422 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 31-08-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are in judicial custody in connection
with Bounsi P.S. Case No. 313 of 2022 registered under Section
392 of the Indian Penal Code and Section 27 of the Arms Act
lodged on 31.12.2022 by the informant, Gourav Kumar.

As per the prosecution story, the allegation is that



when the informant was returning from the power plant on a motorcycle, the accused persons intercepted, snatched mobile, money and also fired gun shot which hit the right hand of the informant who got injured. Thereafter, they escaped. Accordingly, the FIR.

It is the case of the petitioner in Cr. Misc. 57110 of 2023 that his name has come in the confessional statement of Manik Kumar Mandal whereafter he was apprehended on 17.03.2023 but no Test Identification Parade has been conducted.

In Cr. Misc. No. 57422 of 2023 the plea of the petitioner is that his name came in the confessional statement of co-accused Anant Kumar Yadav and accordingly, he has been remanded from another case on 17.06.2023 itself but no Test Identification Parade has been conducted.

Learned APP submits that both of them having criminal antecedent accusation is that not only looted the informant, opened fire causing injury in his hand and as such, opposes the prayer for bail.

Taking into account the submissions put forward by the learned counsel for the parties, they are in custody since 17.06.2023, no T.I. Parade has been conducted, neither anything



recovered from them, this Court is inclined to extend them the privilege of bail but only after framing of the charges in view of the fact that they have criminal antecedent of same nature.

Let the petitioners be released on bail after framing of charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Banka in connection with Bounsi P.S. Case NO. 313 of 2022 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 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 their 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 the bail bonds.

(Rajiv Roy, J)

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