

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55328 of 2022

Arising Out of PS. Case No.-285 Year-2019 Thana- MAHARAJGANJ District- Siwan

Rahul Yadav Son Of Late Ramagya Yadav R/O Village- Dibi, P.S.- M.H.
Nagar, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamala Kant Tiwary, Adv.

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-02-2023 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Maharajganj P.S. Case No. 285 of 2019 lodged under Sections
395, 307 and 326 of the I.P.C. read with Section 27 of the Arms
Act.

As per the prosecution case, the present case has been
filed against 6 unknown accused persons against whom the
allegation is that they have snatched the motorcycle and chain as
well as committed loot in the shop of the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further

submits that there are 3 criminal cases pending against the petitioner and in all the 3 cases, he is on bail. Counsel further submits that petitioner is in custody since 22.06.2022. Counsel further submits and relied on Annexure-2 and 3 by which the co-accused of the present case have been granted bail by the Co-ordinate Bench of this Court in connection with the present P.S. Case vide Cr. Misc. No. 34972 of 2020 and Cr. Misc. No. 39124 of 2020. Counsel further submits that nothing was recovered from the possession of the petitioner nor he was put on T.I.P.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. Ist, Siwan in connection with Maharajganj P.S. Case No. 285 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates

without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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