

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58629 of 2023

Arising Out of PS. Case No.-59 Year-2013 Thana- ROSHANGANJ District- Gaya

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ADITYA YADAV SON OF KAILASH YADAV RESIDENT OF VILLAGE-
BIKOPUR, PS- RAUSHANGANJ, DISTT- GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek, Advocate

For the Opposite Party/s : Dr. Indihar Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-09-2023 Heard the parties.

The petitioner is in judicial custody in connection with Raushanganj (Banke Bazar) P.S. Case No. 59 of 2013 for the offence punishable under Sections 147, 148, 149, 120(B), 121, 124(A), 307, 386, 353 of the Indian Penal Code and section 25(1-b)a, 26 of the Arms Act and 3/4/5 of Explosive Act, 17 C.L.A. Act and 16,18, 20 U.A.P Act lodged on 28.9.2013 by the informant, Ravi Bhushan.

As per the prosecution story, the police apprehended two persons Kedar Parhia and Kamla Pariha and recovered/seized AK-47 rifle without magazine. They named 26 persons as their accomplices, the petitioner being one of them.

Learned counsel for the petitioner submits that he had



no knowledge of his implication in the present case, having been confessed by the accused persons who were apprehended, was implicated in number of cases in which he was in custody from which has been remanded on 24.2.2023 (para-14 of the petition) and is ready to appear in trial on each and every date.

The further submission is that he is a business man running a sweet shop in the name of Aditya Laddu Bhandar which is duly registered and is paying tax and had nothing to do with the present case.

Learned APP on the other hand submits that in 2013 matter, he has delayed the trial by coming after 10 years.

To this, the learned counsel for the petitioner reiterated that he never came to know about the present case which delayed his custody year.

It is his further submission that co-accused Kedar Pariha who was arrested with the AK-47 rifle has been granted bail in Cr. Misc. No. 14230 of 2014.

Taking into account the submission put forward by the learned counsel for the petitioner, he is ready to appear in trial on each and every date as also is in custody since 24.02.2023, alleged recovery is from named accused persons, his name has come in the confessional statement, this Court is inclined to



extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Sherghati, Gaya, in connection with Raushanganj (Banke Bazar) P.S. Case No. 59 of 2013 subject to the 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 till conclusion of the trial to mark his 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 his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

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