

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61279 of 2022**

Arising Out of PS. Case No.-237 Year-2022 Thana- RAFIGANJ District- Aurangabad

MAHENDRA YADAV, Son of Late Fhaudaar Yadav, R/V- Dal Bigha, P.S-
pauthu, Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Pd Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s :	Ms. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 30-01-2023 Heard learned senior counsel for the petitioner and learned
APP for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with Rafiganj P.S. Case No. 237 of 2022 registered under Sections 307, 452, 458, 379, 147, 148, 149 of the Indian Penal Code and Section 27 of the Arms Act.

15 to 20 persons have entered the mill of the informant where he was sleeping along with his family members and staff. They have indulged in loot and in the process resorted to firing. They have decamped with Rs. 10,000/- and three persons have sustained injuries, two being fire arm injuries.

Learned senior counsel for the petitioner submits that the statement of one co-accused Manish Kumar has been recorded in connection with Rafiganj P.S. Case No. 76 of 2015 and on that basis of statement recorded in another case, the petitioner has been dragged



in the instant case. There is no specific allegation against him of assault. He has not been put on T.I. parade and his implication has led to no recovery. The petitioner has two antecedents. The cases are of 2014 and 2017 and he is on bail in the said cases. In the instant case, he is stated to be in custody since 12.07.2022, and investigation is complete.

Learned APP has opposed the prayer for bail.

Considering the manner of petitioner's implication, the fact that his implication has led to no recovery, as per submission of the learned senior counsel for the petitioner, and petitioner's period of custody, this Court is inclined to allow the prayer.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Aurangabad in Rafiganj P.S. Case No. 237 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Sumit/Shashank-

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