

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 62933 of 2022**

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

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DEVILAL YADAV Son of Bhola Yadav Resident of Village- Ajan, P.S.- Goh,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Krishna Prasad Singh, Sr Advocate with Mr Anuj Kumar, Advocate
For the Opposite Party/s :		Mr Dashrath Mehta, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 07-02-2023

Heard learned senior counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Rafiganj Police Station (for brevity, **PS**) Case No 237 of 2022 registered for the offence punishable under Sections 307, 452, 458, 379, 147, 148, 149 of Indian Penal Code and Section 27 of 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 on the basis of his own confessional statement, recorded in custody, the petitioner has been dragged in the instant case. There is no specific allegation against him of assault. He has not been put on Test Identification Parade and his implication has led to no recovery. The petitioner has three antecedents, as per statement made in paragraph



3 of the petition. He is in custody since 18.07.2022 and investigation is complete. Co-accused Yogendra Yadav and Kamlesh Yadav have already been granted bail by this Court by orders dated 07.02.2023 passed in Cr Misc No 62573 of 2022 and Cr Misc No 63041 of 2022 respectively.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, no recovery, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad in Rafiganj PS 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)

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