

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73105 of 2023**

Arising Out of PS. Case No.-56 Year-2022 Thana- RAGHUNATHPUR District- Siwan

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INDRAJEET YADAV SON OF RAJDHAN YADAV RESIDENT OF
VILLAGE- RAGHUNTHPUR, PS- RAGHUNATHPUR, DISTT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kumari Anupam, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-11-2023

Heard the parties.

2. The petitioner is in custody in connection with Raghunathpur P.S. Case No. 56 of 2022 for the offence under sections 341, 323, 379, 307, 279/34 of the Indian Penal Code lodged on 19.03.2022 by the informant, Manoj Kumar Yadav.

3. As per the prosecution story, the allegation is that the accused persons were moving on a Scorpio in a rash and negligent driving in which the informant and his brother got injuries. When they protested, the allegation is that they were assaulted by means of 'lathi' and 'rod' while Satyajeeet Yadav gave knife blow and gold ornaments as also cash were looted. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that



neither he was driving the vehicle nor the assault theory has been assigned to him but being an occupant, he had been made accused for which he has suffered by being in custody since 16.05.2023 (as stated in paragraph 15 of the petition).

5. The further submission is that one Satyajeet Yadav who gave knife blow to the informant has since been granted bail vide Cr. Misc. No. 45000 of 2022 (Annexure -2 to the petition).

6. The last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- to the Chief Minister's Relief Fund.

7. Learned APP opposes the prayer for bail stating that he has six criminal antecedent under his belt and has delayed in coming into judicial custody as the case is of the year 2022.

8. Taking into account the submissions put forward by the learned counsel for the parties as also the fact that no specific role has been assigned to him, Satyajeet Yadav who gave knife blow to the informant has since been granted bail, as stated above and he is in custody since 16.05.2023, this Court is inclined to extend him the privilege of bail subject to payment



of Rs. 10,000/- as undertaken by the learned counsel for the petitioner.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Court of Sessions Judge, Siwan, in connection with Raghunathpur P.S. Case No. 56 of 2022 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/her 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 fortnight for six months 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.

10. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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