

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10789 of 2023

Arising Out of PS. Case No.-210 Year-2019 Thana- GOPALGANJ TOWN District-
Gopalganj

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Raj Kishore Yadav @ Bhala Yadav @ Bhala, S/o Hiranman Chaudhary, R/o
Village- Bohra Tola, P.S.- Manjhagadh, Distt- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate
For the Opposite Party/s : Mr.Rajeev Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No.177 of 2022, arising out of Gopalganj P.S. Case No. 210 of 2019, registered for the alleged offences under Section 399, 402, 400 of the Indian Penal Code and Section 25 (1-b)a, 26, 36 of the Arms Act.

3. As per prosecution case, on receipt of secret informant about assembly of a large number of criminals, the identified place was raided and the petitioner along with four other co-accused persons were apprehended and three co-accused persons fled away from the spot. From the possession of this petitioner, a loaded automatic pistol with magazine



containing two live cartridges was recovered. The police came to know that the criminals were making preparation for commission of offence of dacoity.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. The papers prepared during search and seizure do not disclose that these papers were prepared at the spot. Sealing of the seized articles is also suspect. The learned counsel further submits that though the petitioner is having criminal antecedent of large number of cases, but he is on bail in all these cases except one. In the present case, the petitioner is in custody since 30.04.2019. The charges have been framed on 05.07.2022. Similarly placed co-accused namely, Jawed Alam has been granted bail by a Coordinate Bench of this Court vide order dated 14.11.2019 passed in Cr. Misc. No.66254 of 2019.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner is accused in similar type of cases and altogether 11 cases are pending against him.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the framing of charge and the period of custody of the petitioner including the



grant of bail to the co-accused, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Gopalganj, in connection with Sessions Trial No. 177 of 2022, arising out of Gopalganj P.S. Case No.210 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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