

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74296 of 2022

Arising Out of PS. Case No.-172 Year-2021 Thana- RANIGANJ District- Araria

SAROJ KUMAR @ SAROJ KUMAR YADAV @ SAROJ YADAV Son of
Mahanand Yadav R/V- Bhoraha, P.S- Raniganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with
Raniganj P.S. Case No. 172 of 2021 under sections 307/34 of
the Indian Penal Code and sections 25(1-B)a/26/27/35 of the
Arms Act lodged on 22.06.2021 by the informant, Prakash
Kumar.

The prosecution story, in brief, is that on 22.06.2021
the informant got telephonic message about three accused
persons parking their motorcycle on road to commit loot and
snatching from the passer-by on the point of pistol. It is further
stated that the informant along with the police personnel rushed
to the place whereafter the accused persons tried to escape but
were apprehend and disclosed their names as Saroj Kumar



(petitioner), (Dilkhush Yadav @ DilKhush Kumar Yadav @ Dilkhush Kumar) and Raja Kumar. Upon Search, one country made pistol with magazine and one live cartridge were recovered from the possession of Raja Kumar and one country made pistol each from the possession of the Saroj Kumar (petitioner herein) and (Dilkhush Yadav @ Dilkhush Kumar Yadav @ Dilkhush Kumar). Accordingly, the seizure list prepared and the petitioners were taken into custody.

It has been submitted by the learned counsel for the petitioner that three persons were apprehended including the petitioner herein and the police alleged to have recovered one country made pistol each from the three accused persons. It is his further submission that he has already suffered by being in custody since 23.06.2021 (as stated in paragraph-9 of the petition) and further the other two accused persons, who were also arrested, have since been released on bail in Cr. Misc. No. 2101 of 2022 (Dilkhush Yadav @ DilKhush Kumar Yadav @ Dilkhush Kumar) vide order dated 09.06.2022 and in Cr. Misc. No. 5088 of 2022 (Raja Kumar) vide order dated 21.06.2022.

Let the same be kept on record.

Learned APP for the State opposes the prayer but concedes that the similarly placed co-accuseds have been



granted relief.

Considering the period of custody which is almost two years as also the fact that the other similarly placed co-accuseds have been released on bail by a co-ordinate Bench of this Court, this Court is inclined to extend him the privilege of bail, subject to certain conditions in view of the fact that he has criminal antecedent.

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 District and Sessions Judge, Araria in connection with Raniganj P.S. Case No. 172 of 2021 corresponding to S.T. No. 228 of 2021, 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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next one year to mark



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 his 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 the bail bonds.

(vi) the petitioner shall cooperate in the investigation and make himself available to the police as and when required.

(Rajiv Roy, J)

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