

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7588 of 2023

Arising Out of PS. Case No.-497 Year-2019 Thana- DOBHI District- Gaya

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RAM BHAJAN YADAV @ BHAJAN YADAV @ BHAJAN Son of Gopal
Yadav R/V- Pathak Bigha, P.S- Dobhi, Distt- Gaya Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
16.12.2020 in connection with Dobhi (Serghati) P.S. Case No.
497/2019, F.I.R. dated 22.10.2019, for the offences punishable
under Sections 399, 402 of the Indian Penal Code and Section
25(1-B)a, 26 of the Arms Act.

According to prosecution case, the petitioner along
with other co-accused persons were members of gang of dacoits
and they were planning to commit dacoity and when the police
party reached there then some of the accused persons
apprehended from the place of occurrence and recovery of arms
has been effected from them.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case only on the basis of previous criminal antecedent of the petitioner. He further submits that from bare perusal of the F.I.R. and seizure list it appears that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from the co-accused persons, namely, Munarik Yadav and Santosh Yadav, who have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.12.2021 and 07.12.2021 passed in Cr. Misc. No.35065/2021 & Cr. Misc. No.12896/2021 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 16.12.2020.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries twelve criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that out of 12 cases, the petitioner is on bail in 11 cases.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.,



Sherghati, Gaya in connection with Dobhi (Serghati) P.S. Case
No. 497/2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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