

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6711 of 2023

Arising Out of PS. Case No.-476 Year-2019 Thana- NARPATGANJ District- Araria

RAMAN KUMAR YADAV Son of Dinesh Kumar R/V- Kayasth Tola Saharsa
Ward no. 28, P.S and Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Adv.

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 11-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main application, has been filed on behalf of the petitioner, which forms part of this application.

The petitioner seeks bail in connection with Narpatganj P.S. Case No. 476 of 2019 registered for the offence under Sections 392 of the Indian Penal Code but the police has submitted charge-sheet under Sections 395, 397, and 412 of the Indian Penal Code.

The case relates to commission of loot from the informant and his family members by the unknown miscreants on the point of pistol and taken away their mobiles and two bags along with purse.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner has not been



named in the F.I.R., however, his name transpired in this case on the basis of confessional statement of the co-accused, Vinod Kumar Sharma. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner nor T.I.P. has been conducted by the prosecution as yet. Moreover, co-accused, Ravi Kumar having more or less similar allegation has already been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2021 passed in Cr. Misc. No. 8536 of 2021. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 03.12.2020.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one but fairly submits, on the basis of paragraph-2 of the second supplementary affidavit filed on behalf of the petitioner, that the petitioner is on bail in all cases.

Considering the facts and circumstances of the case and the period of custody, let the, above named, petitioner 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 Chief Judicial Magistrate, Araria in connection with



Narpatganj P.S. Case No. 476 of 2019/ S.T. No. 80 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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