

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8044 of 2024

Arising Out of PS. Case No.-700 Year-2023 Thana- RAJIVNAGAR District- Patna

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Ramdayal Yadav Son of Shivnarayan Yadav R/o Mohalla - Chandra Vihar
Colony, P.S. - Rajiv Nagar, Distt. - Patna Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Sunidhi Bimal, Advocate
For the Opposite Party/s: Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-03-2024 Heard Ms. Sunidhi Bimal, learned counsel for the
petitioner and the State.

2. The petitioner is apprehending arrest in connection with Rajiv Nagar P.S. Case No. 700/2023 instituted under Sections 188, 406, 420, 327, 120B, 34 of the Indian Penal Code and 3 of Prevention of Damage to Public Property Act lodged on 21.10.2023 by the informant, Narendra Kumar Singh.

3. As per the prosecution story, the allegation is that one ASI of Rajiv Nagar Police Station was having illegal construction work on the land acquired by the Housing Board and accused present were helping hand of him. Two of them, Anuj Kumar and Deepak Kumar were apprehended who named this petitioner.

4. Learned counsel for the petitioner submits only because of criminal antecedent, the police dragged him, he do not have any role to play in the matter, admittedly the land is of



one Sheoji Singh, ASI posted with the Rajiv Nagar Police Station and those who were present are named Anuj Kumar and Deepak Kumar.

5. Learned APP opposes the prayer stating that he was serving as a henchman of the ASI.

6. Considering the fact that neither the land belongs to him nor he was present at the site, the arrested person has named him in his confession and in that background, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Rajiv Nagar P.S. Case No. 700/2023 to the satisfaction of learned ACJM-2 cum Sub-Judge-2, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(v) 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;

(vi) 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.

8. Before parting, this Court would like to put on record its word of appreciation for Ms. Sunidhi Bimal, learned counsel for the petitioner for the proper assistance.

(Rajiv Roy, J)

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