

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27002 of 2024

Arising Out of PS. Case No.-47 Year-2021 Thana- SALAIYA District- Aurangabad

Ashish Kumar Yadav @ Ashish Kumar S/o Arjun Yadav R/o vill - Mahulaniya, P.S. - Chhakarbandha (Chakarandha), Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 27848 of 2024

Arising Out of PS. Case No.-47 Year-2021 Thana- SALAIYA District- Aurangabad

Nitish Kumar Son of Basant Yadav Resident of Village- Mahulaniya, Police Station- Chharbandha (Chakarandha), Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 27002 of 2024)
For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP
(In CRIMINAL MISCELLANEOUS No. 27848 of 2024)
For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2024 Heard Mr. Kamendra Prasad Singh, learned counsel

for the petitioners and Mr. Ram Sumiran Rai, learned APP for

the State.

2. Petitioners seek bail, who are in custody since
21.09.2021, in connection with Sessions Trial No. 110 of
2022/188 of 2024 arising out of Salaiya P.S. Case No. 47 of



2021, F.I.R. dated 20.09.2021 registered for the offences punishable under Sections 399, 402, 186, 353, 307, 411, 412, 413, 414 of the Indian Penal Code and Sections 25(1-b)a, 26, 27, 35 of the Arms Act.

3. Earlier the bail petition of the petitioners was allowed vide order dated 16.05.2022 passed in Cr. Misc. No. 1826 of 2022 but the bail bond of the petitioner was not accepted by the learned Trial Court and then the petitioners had moved before this Court for modification of the order dated 16.05.2022 but the modification petition was rejected on 22.03.2023 passed in Cr. Misc. No. 13847 of 2023.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in the present case. He further submits that as per allegation in the F.I.R. two cartridges have been recovered from the possession of petitioner namely Ashish Kumar Yadav @ Ashish Kumar and one country made pistol and two live cartridges have been recovered from the possession of petitioner namely Nitish Kumar. He further submits that similarly situated co-accused person namely Dilip Sharma has been granted bail by a Coordinate Bench of this court vide order dated 16.05.2022 passed in Cr. Misc. No. 1532 of 2022 and the police after



investigation submitted chargesheet against the petitioners and the petitioners are in custody since 21.09.2021.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners and submits that both the petitioners carry four more cases other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioners are on bail in all the pending matters.

6. Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Aurangabad in connection with Sessions Trial No. 110 of 2022/ 188 of 2024 arising out of Salaiya P.S. Case No. 47 of 2021, subject to the following conditions :-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.



(2) If the petitioners tamper with the evidence or the witness, 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Ibrar//-

U		T	
---	--	---	--

