

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38944 of 2024

Arising Out of PS. Case No.-296 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

Subash Yadav Son of Ramesh Singh Resident of Village - Khodeya, P.S. -
Kargahar, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kudra P.S. Case No. 296 of 2023 registered for the offences
punishable under Section 394 of the Indian Penal Code read
with Section 27 of the Arms Act.

3. As per prosecution case, informant was returning
to his house from his shop. On the way, three miscreants
intercepted the informant and one of them fired two bullets on
his leg and they looted 2 pieces of gold chain, 2 pieces of gold
ring, 3 pieces of earring, 2 pieces of *jhala*, 16 gram of solid gold
and Rs. 50,000/- from the informant and fled away from the
place of occurrence.

4. Learned counsel for the petitioner submits that



petitioner is not named in F.I.R. Learned counsel orally submits that during the course of investigation the name of the petitioner has been surfaced in the present case on the basis of his self confessional statement. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. On similar and identical allegation, co-accused Suresh Yadav and Pradeep Seth have already been granted bail by this Court vide Cr. Misc. No. 24306 of 2024 and 74892 of 2023 respectively and the case of present petitioner stands more or less on similar footing. Petitioner is in custody since 27.09.2023 and bears criminal antecedent of five cases. Learned counsel orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. No TIP has been conducted up till now. Learned counsel further submits that petitioner has falsely been implicated in the present case because of having criminal antecedents.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted bail, argument advanced on behalf of both sides and also taking



into consideration the material available on record, let the petitioner 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 Judicial Magistrate, Ist Class, Mohania, Kaimur at Bhabua in connection with Kudra P.S. Case No. 296 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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