

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44605 of 2024

Arising Out of PS. Case No.-863 Year-2022 Thana- BIHAR District- Nalanda

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AWDHESH KUMAR @ SWDHESH YADAV @ AWDHESH YADAV @
SORABH @ ABDHESH PRASAD @ SAURABH KUMAR SON OF
LALAN YADAV RESIDENT OF VILLAGE - PIPRAPATI (SHIPERPATI),
P.S. - KADIRGANJ, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 28-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bihar P.S. Case No. 863/2022 lodged on 11.11.2022 under
Sections 399/402/414/420 of the Indian Penal Code read with
Sections 25(1-B)a, 26, 35 of the Arms Act.

3. As per the prosecution case, F.I.R. has been lodged
against six named accused persons including the present
petitioner with an allegation that they were planning dacoity at
night.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that one country made pistol with four live



cartridges have been recovered. He further submits that various number plate, paint brush, paint box and other materials have been recovered which is alleged to be used in intercity dacoity in Gaya, Jehanabad, Begusarai etc. Counsel further submits that the criminal antecedent of the petitioner is not clean and there are 14 cases pending against him as per the F.I.R. in which he is on bail. The petitioner is in custody since 12.11.2022. He further submits that the other co-accused persons have been granted bail which has been annexed as Annexure-1 in the supplementary affidavit.

5. Learned APP for the State opposes the prayer for bail and submits that from the content of the F.I.R. itself it is clear that the petitioner is the operator of the crime having 14 criminal antecedents. From the report, it transpires that till date prosecution witnesses have not been examined.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named by granted bail *after framing of charge, if the charge is not framed yet* and as well as on being satisfied by the Trial Court that the petitioner is not absconding in any of the cases mentioned below and on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty thousand) with two sureties of the like amount



each to the satisfaction of learned Additional Sessions Judge, Nalanda in connection with Bihar P.S. Case No. 863/2022 subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. Pending cases against the petitioner are as follows:

- Gopalpur P.S. Case No. 59/2011



- Fatuan P.S. Case No. 67/2012
- Fatuan P.S. Case No. 31/2012
- Fatuan P.S. Case No. 327/2011
- Kadirganj P.S. Case No. 10/2009
- Kadirganj P.S. Case No. 14/2010
- Dhanrua P.S. Case No. 284/2021
- Salimpur P.S. Case No. 97/2021
- Ekangar Sarai P.S. Case No. 125/2017
- Hilsa P.S. Case No. 385/2016
- Masaurhi P.S. Case No. 28/2014
- Telhara P.S. Case No. 91/2018
- Telhara P.S. Case No. 04/2018
- Punpun P.S. Case No. 345/2022

(Dr. Anshuman, J)

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