

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49778 of 2024

Arising Out of PS. Case No.-837 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Someshwar Kumar Yadav @ S P Yadav, Son of Lalbabu Rai, resident of
Village- Laluwa, P.S.- Ghorasahan, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-09-2024 Heard Mr. Kundan Rathore, learned Advocate for the

petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Town P.S. Case No. 837 of 2022 registered
for the offences punishable under Sections 393, 307 of the
Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, while the father of the informant was
returning from Customer Service Point of Bank of Baroda with
cash, in the meantime, three unknown miscreants riding on a
motorcycle intercepted him and tried to snatch the bag
containing cash on the point of pistol; and when one Mukesh
Patel tried to catch the miscreants, they fired upon him, due to
which he sustained bullet injury.



4. Learned Advocate for the petitioner contended that the F.I.R. has been instituted against unknown miscreants. However, during the course of investigation, the name of the petitioner along with others have surfaced on the disclosure made by the spy of the police. Barring the aforesaid fact, there is no material against the petitioner. It is next contended that since the petitioner is carrying a long list of criminal antecedent, as has been narrated in para. 3 of the bail application, his name has been implicated in this case without there being any material, which shows malafide on the part of the police personnel. The petitioner has been incarcerated since 25.09.2023; the date on which he was remanded in this case from Chiraiya P.S. case no. 551 of 2022. However, till date neither he has been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession. Moreover, the other accused persons, having identical allegation, they have been allowed the privilege of regular bail by this Court and the learned coordinate Bench of this Court, the copies of which have been annexed to this petition.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the long list of the criminal antecedent of the petitioner clearly



suggests that he is a habitual offender, indulged in such crimes.

6. Regard being had to the submission made on behalf of the parties and considering the fact that save and except the disclosure made by the spy of the police, there is no material; other co-accused persons, having identical allegation, have been allowed the privilege of bail, now the petitioner has been incarcerated since 25.09.2023 and investigation of the crime is complete and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Town P.S. Case No. 837 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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