

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52083 of 2024

Arising Out of PS. Case No.-104 Year-2022 Thana- ROSHANGANJ District- Gaya

Latan Yadav @ Amresh Kumar Son Of Santosh Yadav R/O- Vilalge-
Lamboiya, P.S.- Raushanganj, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Roushanganj (Banke Bazar) P.S. Case No. 104 of 2022 dated 18.05.2022, instituted for the offence punishable under Sections 287, 414, 436, 386, 307/34 of the Indian Penal Code and Section 25(1-B)A, 26, 27, 35 of the Arms Act.

3. The prosecution case, in short, is that on 15.05.2022 at about 8.45 am, four persons came on two motorcycles and took petrol. Petrol tank of both the motorcycles were fully filled up. When the price of the petrol was demanded, the accused persons took out revolver and disclosed about themselves as member of KK Tiger Group. It is further alleged that they handed over a paper in which ransom of rupees ten lakh was demanded. In the



same night at about 11.40 pm, the accused persons came on the petrol pump and set the petrol pump on fire due to which a school bus and a motorcycle were fully burnt and petrol pump was also damaged badly. Anyhow, the fire was doused. After the incident, the accused persons fled away towards Dumrawa More where local people tried to intercept them but they fled away leaving one Apache and one Pulsar motorcycle as well as three firearms.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. During the course of investigation, the petitioner has been made accused in this case. Only on the basis of confessional statement of co-accused, namely Chotu Chowdhary @ Dhananjay Chowdhary, the petitioner has been made accused in this case. Nothing incriminating articles has been recovered from the possession of the petitioner or from his house. T.I.P. has not been conducted by the prosecution. It is submitted that co-accused Chotu Chowdhary @ Dhananjay Chowdhary has been granted bail vide order dated 23.05.2023 passed by this Court in Criminal Miscellaneous No. 23267 of 2023. Similarly situated co-accused, namely, Vinay Chaudhary has also been granted bail by a co-ordinate Bench of this Court vide order dated 09.02.2024 passed in Criminal Miscellaneous



No. 73385 of 2023. Lastly, it has been submitted that the petitioner is in custody since 02.05.2024 having one criminal case against him. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Roushanganj (Banke Bazar) P.S. Case No. 104 of 2022, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature



after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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