

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67549 of 2024

Arising Out of PS. Case No.-245 Year-2023 Thana- BUXAR RAIL P.S. District- Bhojpur

Rakesh Yadav S/o- Dinanath Yadav Resident of Raghunathpur Ps- Barhampur
Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Advocate Ms. Priya, Advocate
For the State	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 27-09-2024 Heard Ld. counsel for the petitioner and Ld. APP for
the State.

2. The petitioner apprehends his arrest in connection with Railway Patna Buxar P.S. Case No. 245 of 2023 dated 11.09.2023, registered for the offences punishable under Sections 341, 323, 379, 307, 325, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, there is allegation of assault and snatching of Rs.5,000/- and a Railway ticket from the husband of the informant by the accused persons including the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case on account of previous enmity with the informant because the husband of the informant has already filed Brahampur P.S. Case No. 489 of 2023 against the petitioner and other co-accused because the informant is aunt of the petitioner and injured person is his uncle and there is previous enmity between two sides. He further submits that other similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 01.08.2024 passed in Cr. Misc No. 13107 of 2024.

5. It is stated in paragraph no. 3 of the petition that the petitioner has no criminal antecedent.

6. It is also stated in paragraph no. 2 of the petition that petitioner has moved before this Hon'ble Court for grant of Anticipatory bail which was dismissed vide order dated 22.05.2024 passed in Cr. Misc. No. 32618 of 2024.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

8. Considering the aforesaid facts and circumstances, this petition is allowed, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing



bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Railway Judicial Magistrate, Bhojpur at Ara in connection with Railway Patna Buxar P.S. Case No. 245 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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