

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19618 of 2025

Arising Out of PS. Case No.-119 Year-2006 Thana- RAFIGANJ District- Aurangabad

1. Suresh Yadav Son of Haricharan Yadav Resident of Village- Amarpura, PO- Dosma, PS- Rafiganj, District- Aurangabad
2. Musaheb Yadav @ Mushaheb Yadav @ Musabah Yadav Son of Late Jumai Yadav Resident of Village- Amarpura, PO- Dosma, PS- Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Singh, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seeks bail in connection with Rafiganj P.S. Case No. 119 of 2006 instituted for the offences under Sections 353, 323, 427, 337, 504, 147, 148, 149 of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the petitioners is of throwing bricks upon the Distributor Anil Jain, Magistrate – Ashok Kumar as also upon the police personnel.

4. Learned counsel for the petitioners submits that the present case is the misuse of privilege of bail. The petitioners



were released on bail on 05.12.2008 by the learned Magistrate, Aurangabad. The petitioners' bail bonds were canceled for the first time on 19.02.2018 whereafter the petitioners surrendered before the court below on 27.03.2019 and, on the same day, the petitioners were enlarged on bail and, thereafter, again the bail bonds were cancelled due to non-appearance on 07.10.2023. Learned counsel for the petitioners further submits that later on, the non-bailable warrant was issued on 29.11.2023 and the process under Sections 82 and 83 of the Cr.P.C. was also issued on 07.02.2024 and 11.03.2024 respectively and, ultimately, on 20.05.2025, the petitioners were declared absconder. Learned counsel for the petitioners undertakes on behalf of the petitioners that the petitioners will appear before the learned court below as and when required by the court below. The petitioners have no criminal antecedent. The petitioner No.1 is in custody since 23.01.2025, whereas petitioner No.2 is in custody since 24.01.2025.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case,



the period of custody of the petitioners, the petitioners having no criminal antecedent as also taking into account the undertaking given by the learned counsel for the petitioners, let the petitioners, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rafiganj P.S. Case No. 119 of 2006, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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