

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33332 of 2025

Arising Out of PS. Case No.-412 Year-2023 Thana- GURUA District- Gaya

Rajesh Yadav @ Rajesh Kumar Son of Shivnandan Yadav, R/o Village-
Pirwan, P.S.- Salaiya, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 26-05-2025 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection
with Gurua P.S. Case No. 412 of 2023 dated 28.08.2023
instituted for the offence punishable under Section 392 of the
Indian Penal Code.

3. As per the prosecution story, while the informant
was returning after collection of money, his motorcycle was
dashed by two persons sitting on another motorcycle, thereafter
two more persons came and all four unknown miscreants
snatched his black coloured bag containing Rs. 32,715/- cash, a
biometric machine, Redmi mobile, bike's key and other
important documents and fled away.

4. Learned counsel for the petitioner submits that



petitioner is innocent and has falsely been implicated in this case merely on the basis of suspicion. The allegation levelled in the FIR is false and fabricated and the petitioner has not committed any such offence as alleged in the FIR. Petitioner is not named in the FIR and his name transpired during investigation on the basis of confessional statement of the co-accused person namely, Raushan Kumar and except the confessional statement of the co-accused person, no other cogent material has come against the petitioner. No TIP has been conducted by the prosecution as yet. No incriminating article has been recovered either from the conscious possession of the petitioner or from his house. Petitioner carries one criminal antecedent, however, he is on bail in the said case. Petitioner is in custody since 25.03.2025. The other co-accused persons namely, Roushan Kumar and Rahul Kumar have been granted regular bail by a co-ordinate Bench of this Court *vide* orders dated 27.02.2024 and 11.03.2024 passed in Cr. Misc. No. 12358 of 2024 and Cr. Misc. No. 13254 of 2024 respectively. He lastly submits that after completion of investigation, chargesheet has been submitted against the petitioner.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.



6. Having heard the learned counsel for the parties and considering the facts and circumstances of the case as well as petitioner's period under custody, this Court is inclined to enlarge the petitioner on bail **after framing of charge, if not framed as yet**. Accordingly, let the petitioner, above-named, be released on bail on furnishing bail-bond 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 at Gaya, in connection with **Gurua P.S. Case No. 412 of 2023**, on further conditions:

(i) One of the bailors should be close relative of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond may be cancelled by the learned trial Court.

(S. B. Pd. Singh, J)

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