

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9344 of 2019

Arising Out of PS. Case No.-187 Year-2018 Thana- KATORIYA District- Banka

BHAVESH YADAV @ BHAVESH KR. YADAV, aged about 25 years, Male,
Son of Nemani Prasad Yadav, Resident of Village – Sejwa,P.S.- Katoriya,
Dist.- Banka ... Petitioner

Versus

THE STATE OF BIHAR ... Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Mukherjee, Adv.
For the Opposite Party : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 18-02-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
17.11.2018 in connection with Katoria P.S. Case No. 187 of
2018 for the offence alleged under Section 392 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that he owns a jewellery shop and after closing the shop he
proceeded towards his home, along with jewellery and cash. On
the way in an unregistered motorcycle the accused persons
intercepted him and took away the bag containing cash and
jewellery and his mobile. In the market, some persons revealed
the name of the petitioner and co-accused, Jai Kant Yadav, to
have committed the offence.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He, further, submits that nothing has been recovered from his conscious possession, no test identification parade has been done so far and his name was dropped by the local persons, who have not seen the occurrence. He, further, submits that charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and one more case of similar nature is pending against the petitioner.

Considering the facts and circumstances and the materials on record, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Katoria P.S. Case No. 187 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Banka, subject to the following conditions :

(i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(ii) If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the
learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Shamshad/-

U		T	
---	--	---	--

