

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29156 of 2020**

Arising Out of PS. Case No.-800 Year-2016 Thana- BANKA District- Banka

SHYAMDEO YADAV Son of Chandar Yadav Resident of Village and P.S.-
Bandhuwa Kurawa, District- Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad,Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 10-11-2020 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ajay Kumar Jha, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Banka P.S. Case No. 800 of 2016 registered for the offence punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not named in the first information report, his name has transpired in the confessional statement of the co-accused and there is neither any identification nor any recovery has been made from his possession.

It is submitted that the petitioner has got one criminal antecedent and in the said case being Kurwa P.S. Case No. 03 of



2020 the petitioner has applied for bail.

Learned APP for the State submits that the name of the petitioner has transpired in the confessional statement of the co-accused.

In the given facts and circumstances of the case where the petitioner has been brought in this case on the basis of the confessional statement of the co-accused but there is neither any identification of the petitioner nor any recovery has been made from him and he is in custody since 23.01.2020, let the petitioner above-named be released on bail on furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 800 of 2016, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that he will abide by and observe



the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

This application is allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/avin

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

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

