

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 70986 of 2019

Arising Out of PS. Case No.-136 Year-2018 Thana- BARIYARPUR District- Munger

Sanjay Yadav @ Sanjay Kumar Yadav @ Lalla Yadav aged about 28 years (Male), Son of Late Rameshwar Yadav Resident of Village/ Mohalla- Bari Mirzapur, P.S.- Kasim Bazar, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjiv Kumar Singh

For the Opposite Party/s : Mr.Surendra Prasad Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 31-01-2020 Heard learned counsel for the parties.

The petitioner seeks bail in Bariarpur P.S. Case No. 136 of 2018 registered for the offence under Section 392 of the Indian Penal Code.

It is case of theft of motorcycle, laptop bag, ATM card and purse, containing Rs. 6000/-, of the informant by three unknown persons. It is alleged that petitioner is one of them.

It is submitted on behalf of petitioner that petitioner is not named in the F.I.R. Petitioner's name has come in the confessional statement of co-accused. Save & except this, there is nothing against the petitioner and no incriminating article has been recovered from his possession and till date, no T.I.P. has been held. It is further submitted that co-accused Karamveer



Kumar @ Chhotu Kumar has already been granted bail by this Court, vide order dated 16-04-2019 passed in Cr.Misc. No. 24308 of 2019 (Annexure 2). In this case, chargesheet has already been submitted and as such, there is no chance of tampering with the evidence. Petitioner is in custody since 15-06-2019.

Considering the aforesaid facts and circumstances as well as nature of accusation, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 2nd Munger in connection with Bariarpur P.S. Case No. 136 of 2018 on the following conditions:

“(1) Petitioner 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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