

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15048 of 2021

Arising Out of PS. Case No.-343 Year-2018 Thana- MAKHDUMPUR District- Jehanabad

Gore Lal Yadav @ Ajay Kumar Son Of Jagdish Prasad @ Jagdish Yadav
Resident Of Village - Dewariay, P.S. And Distt.- Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-07-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with S. Trial No. 393/2019 265/2019 Arising out of Makhdumpur (Tehta O.P.) P.S. Case No. 343/2018 dated 25/09/2018 registered for the offence punishable under Section 392 of the Indian Penal Code.

Allegation against the petitioner is that he with three to four co-accused persons overtake informant's vehicle and snatched the key of his vehicle loaded with 149 boxes of tiles and started



assaulting him. They also snatched his mobile phone, case of Rs. 800/- and his driving licence and took away his pickup vehicle. It is alleged by the informant that the informant became senseless and when he regained his sense he found himself in the field.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He submits that petitioner is not named in the F.I.R. and he has not been put on T.I. Parade till date. He further submits that on the basis of confessional statement of co-accused *Kuku @ Harsh Wardhan Chauhan* he has falsely been implicated in the present case. He further submits that in this case charge has been framed on 24.02.2020 under Section 395 read with Section 34 of the Indian Penal Code and the case is pending for prosecution evidence. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has 14 criminal antecedents as has been mentioned in para 3 of the bail application and has been languishing in custody since 08.08.2019.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and the fact that charge has been framed under Section 395 read with Section 34 of the Indian Penal Code the above named petitioner is directed to be enlarged



on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in Sr. Tr. No. 393/2019/265/2019 in connection with Makhdumpur (Tehta O.P.) P.S. Case No. 343/2018 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.



(5) That the petitioner will mark his attendance in the local police station in first week of every month till conclusion of the trial, failing which the prosecution will be at liberty to move for cancellation of his bail bond.

(Anjani Kumar Sharan, J)

GAURAV S./-

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