

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48481 of 2021**

Arising Out of PS. Case No.-426 Year-2018 Thana- MURLIGANJ District- Madhepura

SUDHIR YADAV Son of Dev Narayan Yadav Resident of Village - Ranipatti,
Ward No.- 9, P.S.- Kumar Khand, District - Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 17-12-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State through virtual mode.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Murliganj P.S. Case No. 426 of 2018 registered for the offences punishable under Section 392 of the IPC.

The FIR of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Petitioner is not named in the FIR. During investigation name of the petitioner surfaced. It is further submitted that during investigation the



police found that Mobile No. 9599492062 was used for talking by the petitioner and except the aforesaid fact, no evidence has come against the petitioner. Till today, no TIP has been done by the police. It is further submitted that co-accused, Pappu Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 10.05.2019 passed in Cr. Misc. No. 26221 of 2019. It is further submitted that co-accused Akash Kumar has been granted bail by the court below itself vide order dated 01.07.2020 passed in B.P. No. 372 of 2020. Petitioner is in custody since 14.06.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Additional Chief Judicial Magistrate-II, Madhepura in connection with Murliganj P.S. Case No. 426 of 2018, subject to the following conditions:-

1. Petitioner shall co-operate 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.

3. 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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