

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38756 of 2020**

Arising Out of PS. Case No.-17 Year-2020 Thana- BANKA District- Banka

NIRAJ YADAV @ TILO YADAV @ NIRAJ KUMAR S/O ANANDI
YADAV R/O VILLAGE - BELUTIKAR, P.S. - BANKA, DISTRICT -
BANKA

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey,Advocate
For the Opposite Party/s : Mr.Pranav Kumar,APP

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

4 14-07-2021 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. Pranav Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Banka P.S. Case No. 17 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, when the informant was coming Banka on his motorcycle after collecting money then in his way three unknown persons riding on motorcycle overtook him and looted the bag containing Rs.64,900/-, Adhar card, PAN card etc.

Learned counsel for the petitioner submits that he has filed a supplementary affidavit in which he has disclosed that the



petitioner is accused in two more cases.

Learned counsel further submits that in the present case FIR is against unknown, the name of the petitioner has transpired in the confessional statement of the co-accused in police custody, there is no identification of the petitioner so far and no incriminating material has been found from his possession, in the two cases against him he is on bail in one case and his prayer for bail in another case is pending, the petitioner is in custody since 14.04.2020.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the aforesaid submissions of learned counsel for the petitioner particularly that the petitioner has not been identified and he is in custody for one year three months in connection with the present case, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) 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. 17 of 2020, subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

