

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3571 of 2021**

Arising Out of PS. Case No.-134 Year-2020 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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Mannu yadav @ Abhimanu yadav s/o Ram Chandra Yadav r/o village
Bahera , P.S. Kudra , district Kaimur at Bhabua
Petitioner

Versus

THE STATE OF BIHAR Opposite Party

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Appearance :

For the Petitioner/s : Mr.Tribhuwan Narayan,Advocate
For the Opposite Party/s : Ms.Pushpa Sinha,APP

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

5 09-07-2021 Heard learned counsel for the petitioner and Ms. Pushpa
Sinha, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Bhagwanpur (Belaon) P.S. Case No. 134 of 2020
registered for the offences punishable under Section 395 of the
Indian Penal Code.

Learned counsel for the petitioner submits that as per the
prosecution story, while the informant and his friend Sanjay Prasad
were going to their village, on the way six persons riding on
motorcycle surrounded them and assaulted them by butt of pistol on
their face. It is further alleged that the accused persons snatched bag
of the informant containing laptop, ATM card, passbook and
Rs.10,000/- and mobile phone of Sanjay Prasad and Rs.2500/-.

Learned counsel submits that the petitioner is innocent
and has falsely been implicated in the present case. It is submitted



that the petitioner is not named in the FIR, his name has transpired in the confessional statement of co-accused. It is further submitted that no incriminating article has been recovered from the possession of this petitioner. The petitioner is in custody since 25.08.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is not named in the FIR, his name has transpired in the confessional statement of the co-accused extracted in police custody but there is no identification of the petitioner so far and there is no recovery of any incriminating article from the possession of the petitioner having remained uncontroverted by learned APP for the State, the petitioner has remained in custody since 25.08.2020, investigation against him is complete and in the cases stated in paragraph '3', he is on bail, this Court directs release of the petitioner on bail on furnishing of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-V, Kaimur at Bhabua in connection with Bhagwanpur (Belaon) P.S. Case No. 134 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'.

