

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10465 of 2021**

Arising Out of PS. Case No.-104 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

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MOHAN YADAV SON OF NANHAK YADAV R/O VILLAGE- MAHDAH,
P.S.- BUXAR (M), DISTRICT- BUXAR.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar,Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-05-2021 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. Akhileshwar Dayal, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Buxar (Muffasil) P.S. Case No. 104 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, while the informant was on his regular routine of collecting money from different places, two persons riding on motorcycle intercepted him and on the point of pistol snatched cash of Rs. 73680/- and a mobile phone.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessionl statement of the co-accused, however, till today he has not been put on test identification parade. It is also submitted that there is no recovery of any incriminating article from possession of the petitioner. The petitioner is in custody since 13.10.2020.

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 his name has been brought in this case on the basis of the confessional statement of co-accused, however, for over six months he has not been put on test identification parade, there is no recovery of any incriminating article from his possession and it is nothing but a case of false implication of the petitioner, there being one case on his head in which his prayer for bail is pending before this Court, in these circumstances considering that the petitioner has remained in jail in connection with the present case for more than seven months, this Court directs release of the petitioner 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 C.J.M, Buxar in connection with Buxar (Muffasil) P.S. Case No. 104 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'.

