

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3729 of 2022

Arising Out of PS. Case No.-196 Year-2017 Thana- BELHAR District- Banka

Prakash Yadav, S/o Rajendra Yadav R/o village- Dhamna Banjama, P.S.-
Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioner seeks bail in
connection with Belhar P.S. Case No. 196 of 2017 registered for
the alleged offences under Sections 147, 148, 149, 427, 387 of
the Indian Penal Code and Section 3 (2) of Prevention of
Damages of Public Property Act as well as Section 17 of CLA
Act.

As per prosecution case, the informant had been
working as Guard at the tower of BSNL and the petitioner along
with 12-13 co-accused persons entered the tower and they were
armed with rifles etc. They demanded Rs. 1 lac from the



informant and threatened him with life. They brought the informant to his house to go get the money but somehow the informant escaped from the place and he later on found that the miscreants damaged sixteen solar plates and caused loss of about Rs. 3 lacs.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is general and omnibus allegation against 14 persons and there is no specific allegation against this petitioner. It is apparent from the FIR that no extortion money was paid. A number of similarly situated co-accused persons have been granted bail by different Coordinate Benches of this Court vide order dated 09.03.2018 passed in Cr. Misc. No.13823 of 2018, the order dated 06.03.2019 passed in Cr. Misc. No.13926 of 2019 and order dated 06.10.2018 passed in Cr. Misc. No.59774 of 2018, respectively. The petitioner is in custody since 09.03.2021 and the charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner is a habitual offender and he is accused in a number of such cases.

Having regard to the submissions made hereinabove and considering the nature of allegation against the petitioner



and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Banka, in connection with Belhar P.S. Case No. 196 of 2017, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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