

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.470 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- KHAJAULI District- Madhubani

1. BHOLA YADAV Son of Kameshwar Yadav Resident of Village - Kuadh, P.S.- Jainagar, Dist.- Madhubani.
2. Ajit Kumar Son of Bauelal Prasad Resident of Village - Kuadh, P.S.- Jainagar, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4236 of 2022

Arising Out of PS. Case No.-69 Year-2021 Thana- KHAJAULI District- Madhubani

AMRESH YADAV @ AMRESH KUMAR YADAV S/o- RAM SAGAR
YADAV Resident of Village- Chapradhi, P.S.- Khajauli, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 470 of 2022)

For the Petitioner/s : Mr.Rana Bhupendra Narayan Singh

For the Opposite Party/s : Mr.Arvind Kumar Pandey (App. 84)

(In CRIMINAL MISCELLANEOUS No. 4236 of 2022)

For the Petitioner/s : Ms.Kumari Shubham

For the Opposite Party/s : Mrs.Asha Devi

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioners and

learned A.P.P. for the State.

The petitioners seek bail in connection with



Khajauli P.S. Case No. 69 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code.

Briefly stated fact of the prosecution case is that on 08.04.2021 at 8:55 AM, the informant was returning to his house from Karmauli Chowk on his motorcycle and in the way one boy who was standing on the road stopped the informant. After that three boys also came and surrounded the informant and on the point of pistol they snatched Rs. 39,500/- and mobile from the informant and after that they fled away. The FIR has been lodged against four unknown persons.

Learned counsel appearing for the petitioners Bhola Yadav and Ajit Kumar submits that petitioners are in custody since 20.07.2021. Petitioner Bhola Yadav bears criminal antecedent of four cases and all the cases are more or less of similar nature and petitioner Ajit Kumar bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. He further submits that FIR has been lodged against unknown. Petitioner Bhola Yadav has confessed his guilt in para 65 of the case diary disclosing the involvement of petitioner Ajit Kumar and his associates. Petitioners have not been put on TIP. No incriminating article has been recovered



from possession of the petitioners.

Learned counsel appearing for the petitioner Amresh Yadav @ Amresh Kumar Yadav submits that petitioner is not named in the FIR and his name surfaced on the disclosure of Bhola Yadav (petitioner no. 1 of Cr. Misc. No. 470 of 2022). No incriminating article has been recovered from possession of the petitioner. Petitioner has not been put on TIP. Petitioner carries criminal antecedent of one case of similar nature. Petitioner is in custody since 10.11.2021.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhubani/concerned court in connection with Khajauli P.S. Case No. 69 of 2021, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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