

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5683 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- KUNAU LI District- Supaul

Dharam Kumar Yadav, Son of Mantun Yadav @ Mantun Prasad Deo, R/O-
Dagmara Tola- Piprahi, P.S.- Kunauli, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Shailendra Kumar Singh, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kunauli P.S. Case. No.52 of 2021 registered for the offences punishable under Sections 457, 380/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 02.09.2021 on hearing some noise the informant woke up around 1.00 AM and found that co-accused Mahanand Kamat, Dharam Kumar Yadav (petitioner) and two unknown persons were fleeing away from her house, thereafter the son of the



informant found that valuables were missing from the Almirah kept in his room.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner and the informant are co-villagers and due to local village politics, the name of the petitioner has been implicated in this case on mere suspicion. It is further submitted that neither the petitioner was arrested at the spot nor any incriminating material has been recovered from the person or possession of this petitioner, which suggest the complicity of the petitioner in this present crime. It is also submitted that this petitioner is in judicial custody since 04.09.2021 and moreover the investigation of the crime is already concluded and the charge sheet has been submitted.

On the other hand the learned counsel for the State opposes the bail application and submits that the petitioner was identified by the informant while he was fleeing from the place of occurrence.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that nothing has been recovered from the person or possession of this petitioner and moreover he is in custody since 04.09.2021, though the investigation of the crime is already completed and charge sheet



has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Birpur (Supaul) in connection with Kunauli P.S. Case No. 52 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of



the above-mentioned order, shall not be delayed for this purpose
or in the name of verification.

(Harish Kumar, J)

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