

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18375 of 2021

Arising Out of PS. Case No.-6 Year-2020 Thana- MEHANDIA District- Jehanabad

SIYARAM YADAV SON OF LATE RAMDHANI YADAV RESIDENT OF
VILLAGE MIYANBAG SHAHAR TELPA, PS KARPI, (SHAHAR TELPA
OP) DIST- ARWAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Sinha

For the Opposite Party/s : Mr.Amit Kumar Rakesh

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

6 11-01-2022

Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 27.07.2020,
seeks bail in connection with Mahandia P.S. Case No. 06 of
2020, registered under Section 395 of the Indian Penal Code.

The prosecution case, in brief, is that on 21.01.2020
at about 12.00 P.M., informant and his wife were sleeping in
their house, in the meantime, informant heard some noise. When
the informant awoke and went to Varanda, then 8-10 persons
came there armed with rifle, pistol and garansa, all the
miscreants were aged about 25-35 years and all were talking in



local language and demanded the key of almirah pointing rifle. Thereafter, informant and her wife were closed inside the room and looted the golden and silver ornaments worth of Rs. 1,50,000/- along with two mobile of Samsung company. It is further stated that from the house of the domestic helper of the informant namely Sharda Paswan some ornaments worth Rs. 9000/- and one mobile of M.I company was recovered. The informant claimed to have identified the accused persons.

Learned counsel appearing on behalf of the petitioner submits that no looted article has been recovered from the possession of the petitioner or from the possession of the petitioner's wife and in this regard he submits that taking into consideration the said fact the Chargesheet has been submitted only under Section 395 of the Indian Penal Code. He further submits that the petitioner has not been put on T.I.P, while he is in custody since 27.07.2020.

Learned A.P.P. for the State has opposed the prayer for bail.

Having considered the facts and circumstances of the case, rival submissions, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like



amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal in connection with Mahandia P.S. Case No. 06 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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