

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9723 of 2022

Arising Out of PS. Case No.-47 Year-2020 Thana- LAUKAHI District- Madhubani

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ABHINANDAN YADAV S/O LAKSHMAN YADAV R/o village- Atari, P.S.-
Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
For the Opposite Party/s : Mrs. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-07-2022 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 petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Laukahi
P.S. Case No. 47/2020 registered for the offences punishable
under Sections 379/356 of the Indian Penal Code.

As per prosecution case, while the informant was
returning to his shop after collecting money from other shops,
three unknown motorcycles borne miscreants intercepted him.
They looted cash Rs.2,20,000/- and the smart phone from the
informant.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this



case merely on suspicion. The FIR has been lodged against unknown. The name of petitioner has been surfaced in this case on the basis of confessional statement of co-accused, Shambhu Yadav. No incriminating articles has been recovered from the possession of the petitioner. He further submits that no T.I. Parade was conducted till date. The petitioner is languishing in custody since 16.06.2021 and bears criminal antecedent of three cases in which two cases are similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering the prosecution evidence. Co-accused, Shambhu Yadav has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.38358/2021 and the case of the petitioner stands on more or less similar footing.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted and FIR has been lodged against unknown and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Jhanjharpur,



Madhubani in connection with Laukahi P.S. Case No. 47/2020
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) Petitioner 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 petitioner tampers 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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