

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10249 of 2022

Arising Out of PS. Case No.-78 Year-2021 Thana- TRIVENIGANJ District- Supaul

Subhash Kumar Yadav @ Bhelokhar Son of Kari Yadav Resident of Village -
Babhangama, Ward no.09, P.s.- Triveniganj, Distt.- Supaul.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh, Advocate.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 06-07-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Triveniganj P.S. Case No. 78 of 2021 registered for the offence
under Section 392 of the Indian Penal Code and later on added
Section 411 of the Indian Penal Code.

As per allegation a sum of Rs. 33,400, Aadhar Card,
Driving License and ATM Card kept in a bag were looted from
the possession of informant by three unknown persons.

The main submissions advanced by learned counsel
for the petitioner are that the name of the petitioner surfaced in
the confessional statement of co-accused Subodh Yadav during



the course of investigation except this against him, there is no evidence and the investigation has been completed and he has been languishing in jail since 27.7.2021 and there is one criminal antecedent against him mentioned in para 3 of the petition in which he is on bail.

Learned APP has opposed the bail prayer.

Heard both the sides and perused the FIR. It appears from the order of learned Court below that the investigation in respect of petitioner has been completed and the cognizance of the alleged offences has also been taken and the petitioner's case is at initial stage of trial and the prosecution is mainly relying upon statement of co-accused Subodh Yadav given during the course of investigation before the police in respect of involvement of present petitioner. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of petitioner's prayer let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in Connection with Triveniganj P.S. Case No. 78 of 2021, on the following conditions.

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than Triveniganj P.S. Case No. 113 of 2018 of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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