

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19713 of 2021**

Arising Out of PS. Case No.-17 Year-2020 Thana- BANKA District- Banka

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KUNDAN YADAV Son of Sri Raj Kishore Yadav @ Raju Yadav Resident of
village - Chakkadih, P.S. - Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devesh Kumar Poddar

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 07-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court
proceeding.

Petitioner seeks bail in connection with Banka P.S.
Case No. 17 of 2020 registered for the offence punishable
under Section 392 of the IPC.

The FIR of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and he has falsely been
implicated in the present case. He further submits that name of
the petitioner has been transpired on the basis of self
confessional statement of the petitioner. He further submits that
nothing has been recovered from conscious possession of the
petitioner. The police after investigation submitted charge sheet



against the petitioner. He further submits that co-accused Niraj Yadav @ Tilo Yadav @ Niraj Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 14.07.2021 passed in Cr. Misc. No. 38756 of 2020 and the petitioner is in custody since 14.04.2020.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries five criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 17 of 2020, subject to 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 and shall remain physically present as directed by the court 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 tampers with the evidence or the witnesses, in that case, the



prosecution will be at liberty to move for cancellation of bail.

3. And further condition that 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 cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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