

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16096 of 2022

Arising Out of PS. Case No.-355 Year-2021 Thana- Brahmpur District- Buxar

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Prem Prakash Yadav Son of Tej Narayan Yadav Resident of Village -
Bisheshwar Dera Chakki, P.S.- Brahampur (Chakki O.P.), District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kameshwar Singh, Adv.

For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 16-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Brahampur (Chakki O.P.) P.S. Case No. 355 of 2021 lodged
under Sections 406/420 of the I.P.C.

As per the prosecution case, ward member had
constructed only 455 ft. road instead of 685 ft. It was ordered by
BDO to lodge F.I.R. and hence, present case filed.

Learned counsel for the petitioner submits that from
the F.I.R. itself it is clear that total construction of 455 feet of
the road was constructed and in this regard, entry were also
made in the entry book. He further submits that petitioner is

innocent and has committed no offence. He further submits that petitioner's antecedent is clean. He is in custody since 28.01.2022 and charge sheet has already been filed in this case. He further submits that one of the co-accused was granted bail by this Court vide order dated 02.08.2022 passed in Cr. Misc No. 13106 of 2022.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted 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 Chief Judicial Magistrate, Buxar in connection with Brahampur (Chakki O.P.) P.S. Case No. 355 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall

file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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