

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16636 of 2022

Arising Out of PS. Case No.-174 Year-2020 Thana- MALSALAMI District- Patna

AWADESH YADAV @ KALLU YADAV @ KALLU @ AWADHESH @
AWDESH YADAV @ ABDHESH YADAV @ KALU YADAV Son of B. P.
Singh @ Binesh Singh R/o- Munnachak, P.S.- Patrakar Nagar, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 16-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

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

Petitioner, who is in custody since 20.10.2021, seeks
regular bail in connection with Malsalami P.S. Case No. 174 of
2020 registered for offences punishable under Sections 395 and
397 of the Indian Penal Code.

As per the allegation made in the FIR, five unknown
persons committed dacoity of Rs. 10 to 12 lacs from the house
of the informant.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and he is not named in the



FIR. The name of the petitioner has surfaced on the basis of confessional statement of one co-accused Niraj Kumar. Rs. 85,000/- has been recovered from the possession of the petitioner which as per the petitioner, belongs to his family members' earning. He further submits that petitioner has not been put on T.I.P. till date. Charge-sheet has already been submitted. He is in custody since 20.10.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case it appears that the petitioner is not named in the FIR, petitioner is in custody since 20.10.2021. No recovery has been made from the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Patna City in connection with Malsalami P.S. Case No. 174 of 2020 subject to the following conditions:

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



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

(iii) 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.

(iv) 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 bond.

(Purnendu Singh, J)

Niraj/-

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