

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18128 of 2022

Arising Out of PS. Case No.-264 Year-2021 Thana- NAUGACHIA District- Bhagalpur

BADAL YADAV Son of Late Madan Yadav @ Late Yaidhnath Yadav
Resident of Village - Jurabganj, P.S.- Kora (korha), Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anup Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-07-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Naugachhia P.S. Case No. 264 of 2021 for the offences
under Sections 413, 414 and 34 of the Indian Penal Code and
Section 20 and 22 of the N.D.P.S. Act.

As per the FIR, the police official upon receiving
information from Superintendent of Police, Naugachhia reached
Tetri Chowk and started checking the vehicles. In the
meantime, two persons riding on one black colour Apachi was
seen moving towards Bhagalpur. On seeing the police parties,
they tried to flee but they were chased and apprehended. Upon



search, some contraband articles money as the vehicle were recovered/seized from their possession. It is further alleged that apprehended persons disclosed the name of two other persons, petitioner herein being one of them. This led to the lodging of the FIR.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that neither the petitioner was arrested from the spot nor anything recovered/seized from him. It is on the basis of confessional statement of the co-accused that his name has been brought in the FIR stating that he was one of the two who escaped from the place of occurrence. He further submits that he is in custody since 16.07.2021 (as stated in paragraph-11 of the bail application) and was implicated because of the fact that he carries criminal antecedent.

Taking into account the aforesaid facts, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Additional District Judge -1st Naugachiya Bhagalpur in connection with Naugachiya P.S. Case No. 264 of 2021, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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