

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18586 of 2022

Arising Out of PS. Case No.-6 Year-2020 Thana- MEHANDIA District- Jehanabad

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1. Tan Yadav @ Mani Bhushan Yadav S/o Shovan Yadav @ Shobhan Yadav.
 2. Anil Yadav S/o Late Chandradeep Yadav @ Diwan Yadav.
Both R/o village- Kasauti Tola Jagmohan Bigha, P.S.- Karpi, District- Arwal
- Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Advocate.
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 12-09-2022 Heard learned counsel for the petitioners and the
learned APP for the State.

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

The case is registered under Section 395 of the IPC in
connection with Mehandia P.S. Case No.6 of 2020.

As per the allegation in the FIR, on 21.01.2020 while
the informant and his wife was sleeping in their house, accused
persons barged inside with rifle, pistol and ‘Garasa’ and after
demanding the keys of Almirah decamped with Rs.1,00,000/- as
well as gold and silver ornaments. The Further allegation is that
the accused persons also entered into the house of one Sharda
Paswan and took away mobile of his son Kapil Paswan.

Learned counsel for the petitioners submit that they



are innocent and name has come in the confessional statement of Gulshan Yadav. The further statement is that nothing has been recovered from their conscious possession nor any TI Parade has been done. His last submission is that some of the co-accused have been released on bail by co-ordinate Bench of this Court as well as learned Sessions Judge.

Learned APP on the other hand submits that the petitioners have criminal antecedent and they have evaded arrest for two years which cannot be ignored.

Taking into account the fact that the case is of 2020 the petitioner came into judicial custody in 2022 though no TI Parade has been done nor anything has been recovered from their conscious possession, as stated in different paragraphs of bail application, this Court is inclined to grant them privilege of bail after framing of charges. If however it is found that the statements made in different paragraphs relating to recovery or TI Parade are false, the bail order shall become infructuous.

Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Mehandia P.S. Case No.6 of 2020 to the satisfaction of learned Chief Judicial Magistrate, Arwal, subject



to 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 reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner 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)

Prakash Narayan /-

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