

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19821 of 2022

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

SATENDRA YADAV Son of Nanhe Yadav Resident of Village-
Mahaveerganj, P.S.- Karpi, District- Arwal Petitioner
Versus

The State Of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Kumar, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-09-2022 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 were 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 also 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 petitioner submits that he



is innocent and his name has come in the confessional statement of Gulshan Yadav. The further statement is that nothing has been recovered from his conscious possession nor any T.I. 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 petitioner has criminal antecedent and he has evaded arrest for two years which cannot be ignored. He further submits that contrary to the statement made in para-3 of the bail application, the petitioner is actually having three criminal cases under his belt and as such a wrong statement has been incorporated in the bail application.

Learned counsel for the petitioner is cautioned to be careful in future.

Taking into account the fact that the petitioner is in custody 25.1.2022, no T.I.Parade has been done nor anything has been recovered from his conscious possession and charge-sheet stands submitted, and co-accused have been granted bail vide Cr. Misc. No. 18586 of 2022 on 12.9.2022, this Court is inclined to grant him privilege of bail after



framing of charges. If however it is found that the statements made in different paragraphs relating to recovery or T.I. 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)

Ravi/Ajay Singh

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