

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21219 of 2022

Arising Out of PS. Case No.-904 Year-2019 Thana- BANKA District- Banka

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Kundan Yadav @ Kundan Kumar Son of Raju Yadav @ Raju @ Raj Kishor
Yadav Resident of village - Chakkadih, P.S.- Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate.

For the Opposite Party/s : Mr. Anita Kumari, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-07-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner as well as learned Additional Public Prosecutor for the
State through video conference.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Banka P. S. Case No. 904 of 2019
registered for the offences punishable under Sections 414 and
420 read with 34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the
Police, on a secret information, raided the house of one Vinod
Kumar and from his house one stolen Slender Pro motorcycle



has been recovered and on interrogation the co-accused disclosed that the aforesaid motorcycle has been stolen by this petitioner.

Learned counsel appearing on behalf of the petitioner submitted that in fact, there was a land dispute between the co-accused and this petitioner and only on account of the land dispute, his name has been implicated in this case, though no incriminating material much less any stolen article has been recovered from the person or possession of this petitioner. It is further submitted that save and except the disclosure made by the co-accused, there is no other material which suggests the complicity of the petitioner in the present case and moreover, this petitioner is in custody since 30.06.2020 though the investigation of the crime is already completed and the charge-sheet has been submitted. It is next submitted that the name of the petitioner has been implicated in five other criminal cases, however, in all the cases he is on bail.

On the other hand, learned APP for the State opposes the bail application and submits that there is specific allegation that this petitioner had stolen the motorcycle and kept in the house of the co-accused person.

Having considered the submissions made on behalf



of the parties and taking into account the fact that nothing has been recovered from the person or possession of this petitioner and he is in custody since 30.06.2020, let the petitioner, above named, be released on 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 Additional Chief Judicial Magistrate-1, Banka or its successor court in connection with Banka P. S. Case No. 904 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any



stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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