

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24332 of 2022**

Arising Out of PS. Case No.-254 Year-2021 Thana- BUXAR District- Buxar

Munna Kumar Yadav @ Munna Yadav S/o Tulasi Singh R/o Nawadih, P.O.-
Osai, P.S.- Sahpur, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

2 08-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

The petitioner is in custody in connection with
Buxar Town P.S. Case No. 254 of 2021 under sections 457/380
of the Indian Penal Code

The petitioner who has one dozen cases under his
belt of almost same nature, is in custody since 1.2.2022 and as
per the allegation in the FIR, the informant had gone to Buxar in
relation to the treatment of her mother who also subsequently
died whereafter he went to his parental home for the rituals.
When the informant returned and opened his house, to his
surprise all jewellery of his mother were stolen by the thieves



which he estimated to be of Rs. 25 lakh.

Learned counsel for the petitioner submits that only because he has one dozen cases against him, he has been implicated in this case and taking this court's attention to para-8 of the bail application, learned counsel for the petitioner submits that no stolen articles/materials has been recovered/seized from the personal possession of the petitioner. He further submits that that if it is found, contrary to the statement made by him that there had been recovery from the possession of the petitioner, if the petitioner is enlarged on bail, the same may accordingly be held cancelled. He lastly submits that the charge-sheet stands submitted and he is in custody since 1.2.2022 (as stated in para-13 of the bail application).

Taking into account the aforesaid fact that the petitioner is in custody since 1.2.2022 and further as per the statement made by the counsel for the petitioner that there has not been any recovery from his possession, he is in custody since 1.2.2022 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, it is made clear that if it is found that there had been any recovery from the possession of the petitioner, this bail order shall become infructuous. Further in view of the fact that he has 12 criminal



cases under his belt, this Court is inclined to put some strict conditions while enlarging him on bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/- (Twenty thousand) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar, in connection with Buxar Town P.S. Case No. 254 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 month till the conclusion of the trial to mark his presence;

(iv) he shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) 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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