

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25286 of 2022

Arising Out of PS. Case No.-7 Year-2021 Thana- ALINAGAR District- Darbhanga

SAROJ YADAV Son of Gumastu Yadav Resident of Village - Pakari
Mohiuddinpur, P.S.- Ali Nagar, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Yadav, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 08-08-2022 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 Ali Nagar P.S. Case No. 07 of 2021 for the offences under
Sections 379, 341, 323, 356, 379, 427 and 382/34 of the Indian
Penal Code.

As per the allegation in the FIR, the informant has
alleged that he withdrew Rs. 3 lakhs from the Bank of India,
Ashapur Branch and kept in hand bag. After he had a cup of
tea near the Bank, he kept the bag in the dicky of the
motorcycles whereafter it is alleged that as he started moving on
the motorcycle, another motorcycle hit him and on the pretext of



fighting with him broke the dickey and fled away with the amount. Accordingly, the FIR was registered against unknown persons.

Learned counsel for the petitioner submits that the petitioner while on remand, the police coerced him to accept his involvement in the present case and thereafter, remanded in this case also. He further submits that despite his implication in the case, neither any amount has been recovered from his possession nor the T.I. Parade has been done despite the fact that he is in custody since 14.07.2021 (as stated in paragraph-9 of the bail application).

Taking into account the aforesaid facts that the petitioner has been taken into custody for one long year but no T.I. parade has been done, charge sheet stands submitted and there is no recovery from his conscious possession (as stated by the counsel for the petitioner in paragraph-8 of the bail application) as also that he is in custody since 14.07.2021, this Court is inclined to grant him the privilege of bail.

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 Sub-Divisional Judicial Magistrate, Benipur (Darbhanga) in connection with Ali Nagar



P.S. Case No. 07 of 2022, 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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