

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26138 of 2022

Arising Out of PS. Case No.-386 Year-2020 Thana- RAJAON District- Banka

1. Vinod Kumar Yadav S/o Shravan Yadav R/o village- Nayatola, Jurabagnj, P.S.- Korha, District- Katihar
2. Munna Gwala S/o Sharma Gwala R/o village- Phota Pokhar, P.S.- Rajganj, District- Jalpaiguri, West Bengal

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-08-2022 Heard learned counsel for the petitioners and learned
APP for the State in Virtual Court Proceeding.

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

The petitioners are in custody in connection with
Rajoun P.S. Case No. 386 of 2020 under section 394 of the
Indian Penal Code.

The allegation against the two petitioners herein
is/are that when the informant along with his driver was
returning home on his tractor after selling bamboos, the two
accused on a motorcycle came and obstructed the tractor and
thereafter on gun point snatched Rs. 48,200/- from him. One of



the co-accused has also opened fire which hit his leg. As his driver fled away, the accused persons decamped with the aforesaid amount.

Learned counsel for the petitioners submit that during the investigation only because of the fact that they have criminal antecedents, the police implicated them in this case, although, there is no recovery from the possession of either of the two petitioners. It has further been submitted that despite the fact that they have been remanded and are in custody since 24.3.2021 (as stated in para-9 of the bail application), no TIP has been done.

Considering the aforesaid fact that the petitioners are in custody since 24.3.2021, no TIP has been done as per the submission/statement of the learned counsel for the petitioners and nothing has been recovered from their possession of the petitioners, this Court is inclined to grant him the privilege of bail with conditions in view of the fact that they have criminal antecedents.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Banka, in connection with Rajoun P.S.



Case No. 386 of 2020 subject to the following conditions:

(i) one of the bailors should be the family members of the petitioners, who shall provide official document to show their bona fide;

(ii) the petitioners 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 cancellation of bail by the Trial Court itself;

(iii) they shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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