

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26402 of 2022

Arising Out of PS. Case No.-306 Year-2020 Thana- BANMANKHI District- Purnia

ISWARCHAND YADAV @ ISWAR YADAV SON OF RAJENDRA YADAV
RESIDENT OF BAIRAKH WARD NO.-10, P.S.- RANIGANJ, DISTRICT-
ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 01-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Banmankhi P.S. Case No. 306 of 2020 registered for the
offences punishable under Sections 392, 394 of the Indian Penal
Code.

As per prosecution case, three unknown persons
came on a motorcycle and assaulted the informant with butt of
Katta and snatched Rs. 38,000/- kept in bag and fled away.

Learned counsel for the petitioner submits that
petitioner is in custody since 22.02.2022. Petitioner bears four



criminal antecedent of similar nature. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. The name of present petitioner has been surfaced on the basis of confessional statement of the petitioner himself as mentioned in para 44 of case diary as same is described in the impugned order. Except confessional statement, nothing is on record to connect the petitioner with the alleged occurrence. Neither looted article nor anything has been recovered from the conscious possession of the petitioner. No T.I.P. was conducted.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, nature of allegation, petitioner is not named in the F.I.R. charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1st, Purnia



in connection with Banmankhi P.S. Case No. 306 of 2020,
subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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