

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29578 of 2022

Arising Out of PS. Case No.-190 Year-2020 Thana- MANJHI District- Saran

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SANTOSH YADAV @ SANTOSH KUMAR YADAV Son of Ram Bahadur
Yadav @ Lal Babu Yadav @ Lal Bahadur Yadav Resident of Village -
Mubarakpur Tola, Sheodhariya Tola, P.s.- Manjhi, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Narendra Kumar

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 21-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Manjhi P.S Case No.
190 of 2020 registered for the offences punishable under
Sections 392, 394 of the Indian Penal Code.

As per allegation, on the alleged date and time of the
occurrence, three motorcycle born miscreants dashed
motorcycle of the informant, assaulted him with knife and
snatched his bag containing Rs 60,000/- and a mobile phone.

The main submissions advanced by learned counsel Shri
Narendra Kumar appearing for the petitioner are that the
petitioner is not named in the F.I.R, his name surfaced in the



statement of co-accused Guddu Kumar Ram who has been granted bail vide order passed in Cr. Misc. No 37335 of 2020 and petitioner has clean antecedent and in this regard a wrong statement has been made by the court below in the order impugned which has been cleared by this petitioner by filing a supplementary affidavit and accordingly, petitioner's case is at better footing from the co-accused Guddu Kumar Ram who is on bail and the alleged weapon used in the crime was recovered from the possession of co-accused Rahul Kumar and the petitioner has been languishing in jail since 22.03.2022, from his possession nothing incriminating material has been recovered.

Sri Bharat Lal, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. In view of the above submissions and considering mainly the order of the learned court below goes to show that the petitioner's name surfaced in the statement of co-accused Guddu Kumar Ram who has been granted bail by a co-ordinate bench of this Court vide order passed in the aforementioned criminal miscellaneous case and the petitioner has clean antecedent and his defence as to no recovery of the alleged article or any other incriminating



material having been made from the possession of this petitioner has not been refuted by learned APP, in the opinion of this Court, a lenient approach can be taken in respect of the petitioner.

Accordingly, petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate, Saran at Chapra in Manjhi P.S Case No. 190 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not



be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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