

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43923 of 2021

Arising Out of PS. Case No.-300 Year-2020 Thana- CHIRAIYA District- East Champaran

Radheshyam Kumar @ Radheshyam Yadav, Son of Ram Prasad Yadav @
Patiram Rai @ Ram Prasad Ray, Resident of Village - Mathiya Bhopat, P.S. -
Lakhaura, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prateek Tandon, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Chiraiya P.S. Case No.300 of 2020, G.R. Case
No.1405/2020 registered for the offences punishable under
Sections 356 and 379 of the Indian Penal Code. He is in custody
since 11.02.2021. The petitioner has got four criminal
antecedent as stated in paragraph '3' of this application.

As per the prosecution story, the informant is working
as CRO in Ujivan Small Finance Bank, Branch Motihari. It is



alleged that on 13.11.2020 he was coming from Saraswaght after collecting the money on his motorcycle, in the way two riders came on a motorcycle and stopped the motorcycle of the informant. It is further alleged that the aforesaid two riders snatched the motorcycle of the informant and a bag containing cash of Rs.1,36,089/-, cheque book etc. The informant informed to the branch manager about such incident and when the staff proceeded from branch office, he found the motorcycle of the informant at some distance from Motihari in the side of the road.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that nothing incriminating has been recovered from the possession of the petitioner. It is submitted that the petitioner is in custody in connection with this case since 11.02.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has remained in custody in connection with this case for over one year and in the four cases stated in paragraph '3' of this application he is on bail in two cases, the maximum sentence



under Section 379 I.P.C. will be three years and that in connection with this case the presence of the petitioner may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Motihari, East Champaran in connection with Chiraiya P.S. Case No.300 of 2020, G.R. Case No.1405/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

