

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37925 of 2021

Arising Out of PS. Case No.-650 Year-2019 Thana- SAHARSA SADAR District- Saharsa

RAJDEEP YADAV @ RAJDEEP KUMAR, Son of Manmohan Yadav @ Mo-
han Yadav Resident of Village - Bariyahi Basti, P.S.- Bangaon, District - Sa-
harsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Opposite Party/s	:	Mr. A.M.P. Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 22-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 25.02.2021,
seeks regular bail in connection with Saharsa Sadar P.S. Case
No. 650 of 2019, for the offence punishable under Section 394
of the Indian Penal Code.

The prosecution case, in brief, is that unknown mis-
creants having intercepted the informant, where-after they are
stated to have snatched his mobile, purse, ATM card and fled
away.

Learned counsel appearing on behalf of the peti-
tioner submits that petitioner has falsely been implicated in this



case only on suspicion. He further submits that petitioner has not been put on T.I.P. while he is in custody since 25.02.2021. He further submits that similarly situated co-accused Shravan Kumar has already been released on bail vide order dated 05.02.2021 passed in Criminal Miscellaneous No. 37946 of 2020 and as such the petitioner be released on bail.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the above mentioned facts and circumstances of the case, the petitioner has been made accused in the present case on the basis of suspicion, the law is well settled in this regard that a strong suspicion, howsoever, cannot take the place of proof and for suspicion an under-trial cannot be kept behind the bar, even after completion of investigation. In the present case, there is no eye-witness of the above incident, similarly situated co-accused Shravan Kumar has already been enlarged on bail by a co-ordinate Bench of this Court, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 650 of 2019, subject to the following condi-



tions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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