

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28979 of 2022

Arising Out of PS. Case No.-766 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Ramroop Yadav @ Ram Rup Yadav, S/o Jayram Yadav, Resident of Mohalla-
Haldhar Jha, Lane Barari, P.S.- Barari, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Kotwali (Barari) P.S. Case No. 766 of 2021 registered for the alleged offences under Sections 457, 380 and 411 of the Indian Penal Code.

As per the prosecution case, a theft was committed in the shop of the informant and on hearing the noise and after coming to know about the theft, the informant informed the police and also went out in search of thieves. The petitioner



was apprehended with stolen articles and three co-accused persons fled away from the spot.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his possession. The petitioner had been going for a morning walk and he was apprehended by the informant and other persons on suspicion. The seizure of the theft article was made from near the tree and not from the petitioner as alleged. The petitioner is in custody since 12.11.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the recovery has been made from the possession of the petitioner and he is having criminal antecedent.

Having regard to the submissions made on behalf of the parties and considering period of custody of this petitioner along with submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Bhagalpur in connection with Kotwali (Barari) P.S. Case No. 766 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the



following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Rajkumar Yadav, uncle of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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