

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30809 of 2022**

Arising Out of PS. Case No.-125 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

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Shiva Yadav, Son of Namdhari Yadav, Resident of Village- Kumar Chakki,
P.S.- Muffasil (Khagaria), Dist- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Narendra Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-09-2022 Heard Mr. Sabal Kumar Jha, learned counsel
appearing on behalf of the petitioner and Mr. Narendra Kumar
Singh, 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 seeks regular bail in connection with
S.Kamal P.S. Case No. 125 of 2021, for the offence punishable
under Section 392 of the Indian Penal Code.

As per the allegation made in the F.I.R. four persons
on the point of pistol looted cash of Rs. 84,000/-, gold chain and
mobile phone of the informant.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner has falsely been implicated in this
case on the confessional statement made by one co-accused Hira



Yadav. He further submitted that the looted amount has been recovered from one Brajesh Kumar, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 11.04.2022 passed in Criminal Miscellaneous No. 60729 of 2021. He further submitted that nothing has been recovered from the possession of the petitioner nor from any of his family members. The petitioner is in custody since 22.12.2021, but he has not been put on Test Identification Parade (T.I.P).

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

Considering the aforementioned facts and circumstances of the case, nature of allegation made against the petitioner and period of custody, the petitioner, above named, is directed to 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 A.C.J.M-4, Begusarai in connection with Sahebpur Kamal P.S. Case No. 125 of 2021, subject to the following conditions:-

(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.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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