

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35007 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- SHANKARPUR District- Madhepura

Gopal Yadav S/o Late Nageshwar Yadav R/o village- Maura Ramnagar,
Kabiyahi, Ward No. 07, P.S.- Shankarpur, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 399, 402, 34 of the Indian Penal Code.

The allegation against the petitioner is for preparation of committing dacoity and found in possession of two packets of new blade in connection with said preparation.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that nothing incriminating article has been recovered from the



possession of the petitioner but it appears from the F.I.R. that two packets of new blade have been recovered from the possession of the petitioner. He further submits that similarly situated co-accused Sanjay Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 05.07.2022 in Cr. Misc. No. 10911 of 2022, another co-accused namely Abhishek Kumar @ Bhavesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 06.07.2022 in Cr. Misc. No. 11350 of 2022 and another co-accused namely Mukesh Kumar has been granted bail by this Court vide order dated 23.08.2022 in Cr. Misc. No. 27871 of 2022. He further submits that the petitioner is in custody since 02.07.2021.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries seven more cases other than the present one.

Learned counsel for the petitioner submits that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with



Shankarpur P.S. Case No. 94 of 2021, with 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 and shall remain physically present as directed by the Court 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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