

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34612 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Santosh Kuamr Yadav @ Santosh Yadav, S/o Late Jawahar Prasad Yadav, R/o
village- Sujal Korama, P.S.- Rajoun, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 14-10-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Kotwali P.S. Case No. 92 of 2022 registered for
the alleged offences under Section 392 of the Indian Penal
Code.

As per prosecution case, three unknown miscreants on
a motorcycle snatched Rs. 3,50,000/- at gun point from the
informant who was going to deposit this money in bank on
behalf of his employer.

The learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case on the basis of saying of informer of the police which showed him the footage of CCTV for identification. Learned counsel further submits that the informant has stated in the written report that he could not identify the culprit as they wore cap, mask and jacket. The police on the basis of information received from its spy arrested the petitioner and extracted his confession. On the basis of the so called confessional statement of the petitioner, he has been dragged in this case. Nothing incriminating has been recovered from the person or his possession. He was not even put to any Test Identification Parade. The petitioner is in custody since 06.02.2022 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the petitioner and considering the period of custody of this petitioner along with submission of charge-sheet, 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 Chief Judicial Magistrate, Bhagalpur in connection with Kotwali P.S. Case No. 92 of 2022, subject to the condition mentioned in Section 437(3) of the Cr.P.C. and other 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 a close relative of the petitioner.

(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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