

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38375 of 2022

Arising Out of PS. Case No.-54 Year-2022 Thana- MAJHAULIA District- West Champaran

Vikash Kumar Yadav S/o Indradev Yadav R/o village- Shiwrahiy Mathiya,
P.S.- Jagdishpur, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State through virtual Court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Majhauilya P.S. Case No. 54 of 2022 registered for the offence under Sections 395 and 397 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 08.03.2022.

The allegation against the petitioner is to commit dacoity, and while committing so, taken away engine of tractor of the informant, alongwith other co-accused persons.

Learned counsel appearing on behalf of the petitioner submitted that name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Pradeep Kumar,



where nothing incriminating surfaced during the course of investigation, which may connect this petitioner with the present set of dacoity. It is further submitted that petitioner has not been put on T.I.P. as yet. While concluding the argument, it is submitted that investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the F.I.R.

In view of the facts and circumstances, as mentioned above, as nothing incriminating surfaced/recovered in furtherance of confessional statement of co-accused, which may connect this petitioner with the present set of dacoity coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Majhauriya P.S. Case No. 54 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran/concerned Court, subject to the following conditions:



“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be Yashouda Devi, who is the mother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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