

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48730 of 2021**

Arising Out of PS. Case No.-1157 Year-2019 Thana- FORBESGANJ District- Araria

MANOJ YADAV, S/O- Vidyanand Yadav Resident of village - Bibiganj, P.S. -
Narpatganj, District - Araria.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 09-05-2022 Heard learned counsel appearing on behalf of the
petitioner and 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
Forbesganj P.S. Case No. 1157 of 2019, for the offence
punishable under Section 395 and 397 of the Indian Penal Code
and Section 27 of the Arms Act.

As per allegation made by the Branch Manager, Axix
Bank that 8-10 unknown persons with intention to commit
robbery entered into his branch, but they failed to commit
robbery in absence of locker key and cash chamber.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is not named in the F.I.R. His name
has surfaced on the basis of his confessional statement as would



appear from paragraph No.12 of the case diary and confessional statement made before the Police custody has no evidentiary value. The petitioner is in custody since 11.04.2020 without having committed any offence. Submission is to release the petitioner on any terms and conditions imposed by this Court.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner and submits that petitioner is involved in similar nature of cases under the jurisdiction of Narpatganj Police Station as such he does not deserve to be released on bail.

Having heard the rival submission of the parties and perusal of the F.I.R., it appears that no robbery was committed and petitioner is not named in the F.I.R., the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 1157 of 2019, 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.

(6) The petitioner will make his attendance before the concerned Police Station under which his house is located every fortnight till conclusion of the trial and on any single default without any valid reasons on the part of the petitioner, his bail bonds shall be cancelled and the concerned SHO of the Police Station shall submit his monthly attendance report to the Superintendent of Police having jurisdiction.

(Purnendu Singh, J)

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