

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41276 of 2022

Arising Out of PS. Case No.-446 Year-2021 Thana- NATHNAGAR District- Bhagalpur

KARTIK YADAV Son of Pappu Yadav Resident of village- Naya Tola,
Mirgunj, P.S- Madhusudanpur, Distt- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Nathnagar (Madhusudanpur) P.S. Case No. 446 of 2021
registered for the offences punishable under Sections 457, 380,
467,379, 411/34 of the I.P.C. and Sections 25(1-b) a, 26, 35 of
Arms Act.

As per prosecution case, petitioner alongwith co-
accused Diwana Kumar committed theft in the grocery shop of
informant, Sunil Kumar Pandit. It is further alleged that
petitioner was apprehended with country made pistol and Rs.
670/- was recovered from his possession whereas co-accused



Diwana Kumar succeeded in fleeing taking the benefit of darkness.

Learned counsel for the petitioner submits that petitioner is in custody since 20.08.2021 and bears criminal antecedent of one case of similar nature in which he is on bail. Learned counsel for the petitioner further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner has love affairs with the daughter of one Raghuveer tanti and on that fateful night on suspicion the informant and other person caught and confined the petitioner and later on information given to the police who reached as per FIR at place of occurrence at 7.50 am morning, on the next day of occurrence. He further submits that petitioner is quite innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence,as submitted, argument advanced on behalf of both sides and also taking into consideration the



material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st class, Bhagalpur in connection with Nathnagar (Madhusudanpur)P.S. Case No. 446 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

vashudha/-

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