

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41092 of 2022

Arising Out of PS. Case No.-75 Year-2022 Thana- AMARPUR District- Banka

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SUDHAKAR YADAV SON OF LATE AMIN YADAV RESIDENT OF
VILLAGE- AMARPUR, P.S.- AMARPUR, DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-11-2022 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
Amarpur P.S. Case No. 75 of 2022 registered for the offences
punishable under Sections 461, 379 of the Indian Penal Code.

As per prosecution case, some unknown miscreants
broke the lock of donation box of the temple and took away
money kept in the donation box.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and during course of
investigation, Rs. 31,170/- has been recovered by the police
from the outside of house of the petitioner. He further submits



that nothing has been recovered from conscious possession of the petitioner. He further submits that in the FIR, specific description of stolen money has not been mentioned. He further submits that petitioner is in custody since 06.02.2022 and bears no criminal antecedent. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. There is delay of three days in lodging the FIR and no reason has been explained. Co-accused Mantu Kasera @ Mantu Kumar Sah has already been granted bail vide Cr. Misc. No. 33135 of 2022 and the case of present petitioner stands more or less on similar footing.

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

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, 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 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, Banka in connection with Amarpur P.S.
Case No. 75 of 2022, G.R. No. 294/2022, 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)

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