

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51892 of 2021

Arising Out of PS. Case No.-72 Year-2017 Thana- BELHAR District- Banka

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PRAKASH YADAV Son of Late Rajendra Yadav Resident of Village-
Dhawana, Mokam Banjama, P.S.- Jhajha, District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Adv

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-01-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding in

physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Belhar
P.S.Case No.72 of 2017 registered for the offence under
Sections 147,148,149,323,387,379,504 of the Indian Penal
Code.

Prosecution case, in short, is that on protest, co-
accused-Ashok Yadav assaulted the informant with the Butt of
his Gun. During the assault, the petitioner and co-accused-Man
Singh Yadav snatched away a golden chain from the neck of the
informant and co-accused-Ashok Yadav snatched away a



Samsung mobile from Madan Pandit. It is also alleged that the said accused persons threatened the informant and his staff that they would be killed if they did not fulfill the extortion demand.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that it appears from the FIR itself that the basic allegation of snatching golden chain by co-accused- Man Singh Yadav @ Narshingh Yadav and the petitioner. He further submits that co-accused, namely, Man Singh Yadav @ Narshingh Yadav has been granted bail vide order dated 26.09.2018 in Cr. Misc. No.49179 of 2018 by a Coordinate Bench of this Court. He further submits that another co-accused, namely, Ashok Yadav has also been granted bail vide order dated 03.10.2018 in Cr. Misc. No. 50558 of 2018 by the same Hon'ble Bench. Petitioner is in custody since 17.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III,



Banka in connection with Belhar P.S.Case No.72 of 2017 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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