

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41657 of 2022

Arising Out of PS. Case No.-256 Year-2021 Thana- BAHADURPUR District- Darbhanga

SUNDAR YADAV S/o Late Vinay yadav Resident of Mohalla/Vill- Santpur
Taralahi, P.S.- Bishanpur, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kedar Jha

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

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 S.T. No.
108/2022 arising out of Bahadurpur P.S. Case No. 256/2021
registered for the offences punishable under Sections
341/324/307/379/506/34 of the Indian Penal Code. Charge sheet
was submitted in this case under Sections 395/412 of the Indian
Penal Code.

As per prosecution case, the informant lodged the
case against three named accused persons and three-four
unknown persons and alleged that accused persons assaulted to
the informant due to which he sustained injury and snatched his



motorcycle, two mobile phones, Rs.12,000/-, Pan Card, ATM Card and Identity Card etc.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. During course of investigation, the name of petitioner surfaced in this case on the basis of confessional statement of co-accused Sunil Sahni. The petitioner is languishing in custody since 14.06.2021 and bears criminal antecedent of 05 cases. No incriminating article has been recovered from the conscious possession of the petitioner. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that T.I. Parade was conducted by the police but the petitioner was not recognized by the informant. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar allegation co-accused Md. Akbar has been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.29984/2022.

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, petitioner is not named in the FIR, similarly situated co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned XIIIth Additional Sessions Judge, Darbhanga in connection with S.T. No. 108/2022 arising out of Bahadurpur P.S. Case No. 256/2021, 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.



(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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