

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45074 of 2022**

Arising Out of PS. Case No.-42 Year-2022 Thana- BASOPATTI District- Madhubani

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BISHAL KUMAR YADAV @ VISHAL KUMAR YADAV S/O SUKHDEO
YADAV Resident of village- Jurabganj Naya Tola, P.S.- Kodha District-
Katihar.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha

For the Opposite Party/s : Mr.Surendra Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 07-12-2022 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

Basopatti P.S. Case No. 42 of 2022 registered for the offences

punishable under Section 392 of the Indian Penal Code.

As per prosecution case, informant was going to

his house alongwith his mother from Basopatti State Bank after

withdrawal of Rs. 2,75,000/- near Kali Temple (Basopatti).In

the way two unknown miscreants came on motorcycle and

snatched the bag from informant's mother containing aforesaid

amount and fled away.



Learned counsel for the petitioner submits that petitioner is not named in the FIR. Name of petitioner has been transpired in this case on the basis of suspicion when police arrested petitioner near State Bank Arer and forcibly took his confession. He further submits that at the time of apprehending the petitioner, Rs. 10,150/- and old keypad mobile were recovered and both recovered money as well as mobile belongs to the petitioner. He further submits that informant has not stated in his written report that any pass book was kept in the bag of money and police himself collected the pass book from the informant for checking the withdrawal of money and stated that on identification of petitioner the same was recovered from nearby ditch of snatching place but in reality nothing was recovered at the identification of petitioner. He further submits that petitioner is in custody since 03.03.2022 and bears no criminal antecedent prior to the present case rather one case has been registered after the occurrence of the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. No TIP has been conducted uptill now. He further submits that petitioner is a



hawker and used to sell the ladies items in rural area of Madhubani District.

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, 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, Madhubani in connection with Basopatti P.S. Case No. 42 of 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)

vashudha/-

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