

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57328 of 2021

Arising Out of PS. Case No.-168 Year-2021 Thana- ARWAL District- Jehanabad

1. Jitesh @ Roni Yadav Son Of Kapoor Yadav R/O Village- Naya Tolla, Jurabganj, P.S.- Kodha, Dist.- Katihar
2. Rajan Yadav @ Ranjan Yadav Son Of Kapoor Yadav R/O Village- Naya Tolla, Jurabganj, P.S.- Kodha, Dist.- Katihar
3. Arun Kumar Yadav @ Arun Yadav Son Of Late Chote Lal Yadav R/O Village- Naya Tolla, Jurabganj, P.S.- Kodha, Dist.- Katihar

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj

For the Opposite Party/s : Mr. Raj Kishore Singh

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in a case registered for the offences punishable under Sections 379, 414, 420, 120(B) of the Indian Penal Code.

According to prosecution case, on the basis of written report of informant ASI Deepak Kumar, alleging therein that on 21.06.2021 he alongwith other police personal were on petrolling duty at Grahak Sewa Kendra and banks, where he



found some suspicious persons who has entered into bank and came out immediately and again entered into bank. On suspicion the person who used to entered into bank and immediately came out, was caught by Sep Mithlesh Kumar and asked for his identity and also demanded his aadhar card and he also informed other police force. The arrested person disclosed his name as Rajan Yadav and he further also said that he alongwith other three persons came from Katihar with two stolen motorcycle and he used to snatched money from the persons who come out from bank after withdrawing money. He further stated that one other person Arun Kumar Yadav is doing racky (survey) outside of banks, based on the statement of accused, the police also arrested Arun Kumar Yadav and on asking from both arrested persons they said that two other persons are waiting at bus stand. On the basis of the statements of both arrested persons, one other person namely Jitesh @ Rauni Yadav has also been arrested and one succeeded in escape. From the arrested persons bank passbook, multiple banks cheque books, master key, mobile, and many mobile SIM Cards, stolen motorcycle, etching white powder, and other suspicious articles according to seizer list have been recovered, for which two seizer lists have been prepared.



Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that nothing have been recovered from the conscious possession of the petitioners. He further submits that petitioners are came from Katihar in search of work but the police apprehended the petitioners. He further submits that it appears from the F.I.R. that the petitioners have not committed any offence only on the basis of suspicion they have been apprehended. The petitioners are in custody since 22.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that it appears from the F.I.R. that the petitioners are involved in several crimes and recovered articles also demonstrate that they are involved in number of cases and petitioner no.1 has six criminal antecedents whereas petitioners no.2 and 3 have three criminal antecedents.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail, **after framing of the charges so that the trial may not hamper**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court



below where the case is pending in connection with Arwal P.S.

Case No. 168 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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