

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48315 of 2022**

Arising Out of PS. Case No.-92 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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SUDAMA @ SUDAMA YADAV @ SANTOSH YADAV @ VISHAL
YADAV @ KARAN YADAV Son of Late Ramlal Yadav Resident of Village -
Jorabganj, P.s.- Kodha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anup Kumar Pandey

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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

2 30-11-2022 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

Kotwali P.S. Case No. 92 of 2021, G.R. No. 619 of 2021

registered for the offences punishable under Section 392 of the

Indian Penal Code.

As per prosecution case, the informant has

withdrawn one lakh rupee through the cheque having two

bundles of 500 rupee note. It is alleged that two miscreants

snatched the bag containing the said amount.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and he has been remanded from Naugachiya P.S. Case No. 264 of 2021 in which the co-accused Nand Kishor Kumar confessed that the petitioner and co-accused committed the said occurrence. He further submits that petitioner is in custody since 07.08.2021 and bears criminal antecedent of thirteen cases. He further submits that petitioner was roped in one case after another in just a routine manner on the basis of confessional statement. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner specifically submits that no recovery has been made from the conscious possession of the petitioner. No TIP has been conducted uptill now.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view criminal antecedent of the petitioner.

Considering the facts and circumstances of the case, period of custody, nothing has been recovered from his possession as submitted, 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 Additional Chief Judicial Magistrate-VII, Bhagalpur in connection with Kotwali P.S. Case No. 92 of 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 leave the territorial



jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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