

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58098 of 2021

Arising Out of PS. Case No.-237 Year-2020 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. AJAY KUMAR YADAV SON OF SHRI LAL YADAV R/O VILLAGE-
SAPAHA, P.S.- MAHESHKHUT, DISTRICT- KHAGARIA
 2. NITISH KUMAR SON OF LATE RAM PRAVESH YADAV R/O
VILLAGE AND P.S.- SAHEBPUR KAMAL, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Bharat Bhushan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 26-04-2022 Heard learned counsel appearing on behalf of the
petitioners and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioners, who are in custody since 30.06.2021, seek
regular bail in connection with Sahebpur Kamal P.S. Case No.
237 of 2020 registered for offences punishable under Section
394 of the Indian Penal Code.

Allegation in the FIR is that of snatching of Rs.
1,98,750/- from the possession of the informant by four
unknown accused persons.

Learned counsel appearing on behalf of the petitioners



submits that FIR is against unknown. No T.I.P. has been conducted till date. Petitioners have been roped in the present case due to dirty village politics. No recovery has been made either from the possession of the petitioners or from the house of the petitioners. Name of the petitioners has surfaced on the basis of confessional statement of one co-accused Rupesh Kumar in police custody which has no evidentiary value. Petitioners are in custody since 30.06.2021. Petitioners deserve to be released on bail in absence of any allegation of tampering the evidence or influencing the witnesses.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioners.

Considering the nature of allegation made in the FIR, petitioners' name has surfaced in course of investigation on the basis of confessional statement of one co-accused Rupesh Kumar in police custody which has no evidentiary value, the petitioners, above named, are directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Sahebpur Kamal P.S. Case No. 237 of 2020 subject to the following conditions:



(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioners are found involved in similar nature of offence, after their release on bail, the trial Court shall take steps to cancel their bail bond.

(Purnendu Singh, J)

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