

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.48571 of 2022**

Arising Out of PS. Case No.-471 Year-2021 Thana- BRAHMPUR District- Buxar

Saroj Yadav S/o Pramod Yadav R/o village- Birpur, P.S.- Shahpur, District-
Bhojpur (Ara)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioner will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Brahmpur P.S. Case No. 471 of 2021 registered for the offences punishable under Sections 341, 323, 342, 147, 504, 379, 506, 395, 412 of the Indian Penal Code. He is in custody since 27.06.2022. The petitioner has got no criminal antecedent.

Learned counsel for the petitioner submits that as per the prosecution story, on 26.08.2021 at about 01:00-02:00 A.M. 20 to 25 persons including this petitioner came in the field of one Jawahi Diyar and tied the hands and legs of the



informant's side and loaded the sheep in the pick-van. It is also alleged that the petitioner's side assaulted the informant's side and also took away mobile phones and cash of Rs.9500/-.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of co-accused Jawahir Yadav. It is submitted that the petitioner is in custody in connection with this case since 27.06.2022 having no criminal antecedent.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the nature of the allegations and the fact that the name of the petitioner has transpired in the confessional statement of the co-accused Jawahir Yadav, there is no test identification parade of the petitioner and he is in custody since 27.06.2022, has otherwise no criminal antecedent, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in



connection with Brahmpur P.S. Case No. 471 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. 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.

This application is allowed.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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