

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61949 of 2021

Arising Out of PS. Case No.-20 Year-2021 Thana- JAIPUR District- Banka

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BINOD YADAV @ BINOD KUMAR YADAV Son of Manohar Yadav @ Manohar Mahto Resident of village - Jhillighat Nawadih, P.S. - Mohanpur, District - Deoghar (Jharkhand). At present residing at Village - Babhankheta, P.S. - Hansdiha, District - Dumka (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda, Adv

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 394 of the Indian Penal Code.

The prosecution case, in short, is that on 23.02.2021 the informant was going his Sasural-Katamatad on his Splender Motorcycle but in his way, three miscreants riding on a Glamour motorcycle obstructed him near Kanivel village and looted his motorcycle alongwith purse carrying cash of Rs.1,000/- and



ATM Card, on Gun point and, thereafter, fled towards Mukunda village.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. Petitioner is not named in the FIR. The name of the petitioner has transpired on the basis of self-confessional statement of the petitioner. He further submits that as per allegation in the FIR, unknown person looted the Splender motorcycle of the informant. Learned counsel for the petitioner submits that one Glamour motorcycle alongwith one mobile has been recovered from possession of the petitioner but till date no T.I. Parade has been conducted by the prosecution and the petitioner is in custody since 22.07.2021.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Jaipur Police Station Case No.20 of 2021, with the following conditions:-

(1) Petitioner 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 his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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 step 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.

(Rajesh Kumar Verma, J)

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