

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53318 of 2022

Arising Out of PS. Case No.-457 Year-2016 Thana- DARBHANGA SADAR District-
Darbhanga

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Mukesh Yadav S/O Prem Lal Yadav @ Premchandra Yadav Resident of
village- Ganj, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kedar Jha, Advocate.
For the Opposite Party/s : Mr. A.G, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-12-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Kedar Jha, learned counsel for the
petitioner and learned APP for the State through video
conferencing.

The petitioner seeks regular bail, who is in custody in
connection with Sadar P.S. Case No. 457 of 2016, registered for
the offences punishable under Sections 401, 413, 414, 467, 468
and 420/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the
police in course of patrolling apprehended two persons with
stolen motorcycle and on query the apprehended person



confessed before the police that there are many other persons who have formed a gang and used to commit such crime and the petitioner is said to be the head of the gang. It is also alleged that on the alleged date of occurrence, he was running the gang form inside the jail.

Learned counsel appearing on behalf of the petitioner submits that admittedly the petitioner was neither apprehended at the spot nor any incriminating material has been recovered from his person and possession & save and except the disclosure made by the apprehended persons there is no material suggesting the complicity of the petitioner in the present crime. So far the mobile, which is said to have been operated by the petitioner from the jail has neither been recovered nor the location of the mobile was found inside the jail, which substantiated the allegation. He further submits that only on account of the past criminal antecedent the name of the petitioner has been implicated in this case. He lastly submits that the petitioner is in custody since 10.06.2022 and now the investigation of the crime is already complete and the charge-sheet has been submitted.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the



petitioner is found involved in six other criminal cases.

In response to the aforesaid submissions, learned counsel for the petitioner submits that the petitioner is on bail in all other cases.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except disclosure made by the apprehended persons there is no other material suggesting the complicity of the petitioner in present crime. Further neither any incriminating material has been recovered from the possession of the petitioner nor the mobile which is said to have been used by the petitioner has been found till date, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Darbhanga, in connection with Sadar P.S. Case No. 457 of 2016, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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