

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62573 of 2021**

Arising Out of PS. Case No.-700 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

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BABBU KUMAR YADAV @ BABBU YADAV S/o Late Deva Yadav
Resident of Village- Nayatola, Jurabganj, P.S.- Korha, District- Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Paswan, Adv

For the Opposite Party/s : Mr.Shyam Kumar Singh,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 01-04-2022 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 in virtual Court proceeding.

Petitioner seeks bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code.

The prosecution case, in brief, is that on 21.10.2019 the informant was going to home from tempo after withdrawal of Rs.85,000/- through cheque from the Hajipur State Bank (main branch), but near about Sarai Gramin Bank two persons sitting on a Pulsar Motorcycle overtook his Tempo and on the point of pistol they snatched his bag in which the said money,



cheque book, pass-book etc. were kept.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been implicated in the present case only on the basis of confessional statement of co-accused. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no T.I. Parade has been conducted by the prosecution and similarly situated co-accused, namely, Akash Kumar has been granted bail vide order dated 21.03.2020 by the learned court below itself and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 03.10.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

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 Hajipur Sadar Police Station Case No.700 of 2019, 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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