

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63173 of 2021

Arising Out of PS. Case No.-205 Year-2021 Thana- MANSI District- Khagaria

Bhawesh Yadav Son of Ridesh Yadav Resident of Village - Amani, P.S.-
Mansi, Dist.-Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandra Mohan Jha

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 392 of the Indian Penal Code and later on converted under Section 395, 412 of the Indian Penal Code.

According to prosecution case, one Nitesh Kumar Sah lodged a written report alleging therein that on 18.07.2021, four accused persons jumped into his wall and entered into his house lashed with weapons, looted silver about 800 grams, 110 grams gold and cash of Rs.25,000/- as well as two mobile phones.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and nothing has been recovered from the conscious possession of the petitioner. He further submits that the name of the petitioner has been transpired only on the basis of confessional statement of co-accused namely, Shrawan Kumar. He further submits that till date no TIP has been conducted by the prosecution and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 27.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, 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 the learned Court below where the case is pending in connection with Mansi P.S. Case No. 205 of 2021, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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