

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53053 of 2022

Arising Out of PS. Case No.-105 Year-2021 Thana- CHHATAPUR District- Supaul

SIKENDRA KUMAR YADAV SON OF GANGA YADAV R/O VILLAGE-
BISHUNIYA, P.S.- JADIA, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Chhatapur P.S. Case No. 105 of 2021 registered for the offences punishable under Section 393 of the Indian Penal Code.

As per prosecution case, it is alleged that informant was being followed by two miscreants on motorcycle in question. The miscreants stopped the motorcycle of the informant and on the point of knife they threatened the informant to hand over money and motorcycle otherwise he will be killed. After that informant



started fleeing away from there and he has reasonable apprehension that the miscreants might commit crime so informant informed local shopkeepers and then the local police was informed and thereafter one of the miscreants was apprehended who disclosed his name as Sikendra Kumar Yadav (petitioner) and on enquiry he disclosed the name of co-accused Vikash Kumar who fled away from the place of occurrence. As per seizure list, Rs. 9600/- alongwith one knife and one mobile was recovered from the possession of petitioner.

Learned counsel for the petitioner submits that petitioner is in custody since 16.04.2021 and bears criminal antecedent of four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that seizure list was prepared on 14.04.2021 at 14.55 hour and FIR was lodged on 15.04.2021 at 12.30 P.M. and the petitioner was remanded in custody on 16.04.2021 and the said facts and circumstances clearly falsifies the story of prosecution. He further submits that petitioner has not committed any offence as alleged in the FIR. Petitioner and informant are residence of same police station and doing the contract work in marriage ceremony and religious festival and some dispute arose between both of them on account of distribution of contract money so informant has lodged false case



against the petitioner on the said reason. Basically, nothing has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody which is near about one year eight months, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Chhatapur P.S. Case No. 105 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

U		T	
---	--	---	--

