

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64483 of 2021

Arising Out of PS. Case No.-191 Year-2021 Thana- BHORE District- Gopalganj

1. Yogendra Kushwaha S/O Babulal Bhagat R/O Village- Sabnahan, P.S. Bhore, Distt.- Gopalganj.
2. Om Prakash Yadav S/O Budhan Yadav R/O Village- Vishrampur, P.S. Bhore, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devanand Tiwari, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioners 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.

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

According to prosecution case, the informant Pradeep Kumar Pandey in his written report alleging therein that on 04.05.2021 in afternoon he was returning after making collection from five group, then in between Piyarabatta and



Lami Chaubar, four persons on two motorcycle was standing there having pistol. Out of four one was fat and small. One out of them assaulted the informant by bricks on neck. They took out the keys of motorcycle. They also pointed pistol on head and looted the cash of Rs.10925/- and Rs.7000/-, Tab. bag, group register, marpho, and loan form was snatched and fled away.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case on the basis of suspicion. He further submits that petitioners are not named in the F.I.R. and in fact petitioners was arrested in Bhore P.S. Case No. 192 of 2021 on the basis of self confessional statement of the petitioners and the name of the petitioners dragged in the present case. He further submits that nothing has been recovered from the conscious possession of the petitioners and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Pintu Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 25.03.2021 passed in Cr. Misc. No. 61884 of 2021. The petitioners are in custody since 07.06.2021.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Bhore P.S. Case No. 191 of 2021, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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



petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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