

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65803 of 2021**

Arising Out of PS. Case No.-396 Year-2020 Thana- RANIGANJ District- Araria

NIRAJ YADAV @ NIRAJ KR. YADAV Son of Suryanarayan Yadav Resident
of Village - Khuthari, P.S.- Banmankhi, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.
For the Opposite Party/s : Mr. Atul Chandra, APP

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

2 15-04-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in a case registered for
the offence under Sections 392 of the Indian Penal Code.

As per prosecution story, while the informant after
collecting Rs. 45,500/- at Bhavendra Yadav Centre, Belsara
and reached at Parsahat Belsara near Bajraha Puliya then
three motorcycle borne miscreants looted away Rs. 45,500/-
from the dicky of his motorcycle, Realme 6 mobile etc.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the petitioner has not been named in



the F.I.R. but merely on the basis of confessional statement of the co-accused, Ranjan Yadav, he has been made accused in this case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner nor any T.I.P. has been conducted by the prosecution till date. Moreover, the co-accused, namely, Naveen Yadav @ Naveen Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 01.07.2021 passed in Cr. Misc. No. 16334 of 2021. The petitioner is rotting in judicial custody since 30.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Raniganj P.S. Case No. 396 of 2020/G.R. No. 2839 of 2020 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 canceled 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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