

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68614 of 2021

Arising Out of PS. Case No.-87 Year-2021 Thana- TEKARI District- Gaya

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Santosh Kumar Son of Suresh Yadav Resident of Village - Mahmanna, P.S. -
Tekari, Dist. - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nitya Nand Neeraj, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-04-2022 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.

Petitioner seeks bail in a case registered for the

offences punishable under Sections 379, 384, 385/34 of the

Indian Penal Code.

As per prosecution case, it is alleged by the informant
that on 24.02.2021 he was sleeping on brick kiln then at about
1:00 A.M. suddenly 10 naxals came there armed with deadly
weapon covered their mouth with *gamachha* and demanded
Rs. 1,00,000/- (Rupees One lac) as levy otherwise be ready to
face the consequences and thereafter the *naxals* snatched two



mobiles of the informant.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. He further submits that during investigation nothing has come against the petitioner and till date no test identification parade was conducted by the prosecution and in fact the petitioner is a labourer in the brick kiln. He further submits that there is previous enmity of money between the informant and the petitioner and due to which the informant has falsely implicated the petitioner in the present case and the petitioner is in custody since 25.02.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case 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/- (Rupees 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 Tekari P.S. Case No. 87 of 2021, 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 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 witness, 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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