

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70347 of 2021

Arising Out of PS. Case No.-150 Year-2020 Thana- BELHAR District- Banka

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PAPPU YADAV Son of Sri Prakash Yadav Resident of Village - Amgarwa,
P.s.- Belhar, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad

For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 17-10-2022 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.

The petitioner seeks bail in connection with Belhar

P.S. Case No. 150 of 2020 registered for the offences punishable

under Section 392 of the IPC.

As per prosecution case, the informant who was a

driver for Datta poultry farm, along with co-driver Gulam

Murtaza was coming back to said poultry farm on a Sumo

vehicle after selling chicken, three miscreants riding on a

motorcycle obstructed the Sumo vehicle of the informant and

took away the bag carrying Rs. 1,25,000/- kept inside the Sumo

vehicle alongwith the mobile of co-driver Gulam Murtaza and



fled away.

Learned counsel for the petitioner submits that petitioner is not named in the FIR, during course of investigation his name has been surfaced upon the confessional statement of co-accused, Chotu Kumar Paswan. Except confessional statement there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. He further submits that petitioner is in custody since 23.04.2021 and bears criminal antecedent of seven cases. He further submits that looted mobile has been recovered from co-accused, Mithun Kumar. No incriminating article has been recovered from the possession of the petitioner. He further submits that co-accused Chhotu Kumar Paswan, on whose confessional statement name of present petitioner has been implicated in the present case, has already been granted bail vide Cr. Misc. No 13313 of 2021 by a co-ordinate bench of this court and the case of present petitioner stands more or less on similar footing.

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, petitioner is not named in the FIR, 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, **after framing of charge** 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, Banka in connection with Belhar P.S. Case No. 150 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/-

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