

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21 of 2022

Arising Out of PS. Case No.-240 Year-2018 Thana- KATORIYA District- Banka

SANJAY YADAV Son of Kanthi Darve Resident of Village - Bhanra, P.s.-
Chandan, Distt.- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-05-2022 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 the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 392 of the Indian Penal Code and Section 27 of the Arms Act.

Allegation is that the informant along with one Ravishankar Kumar was carrying Rs.3,70,000/- cash, suddenly two persons came and fired two shot and they snatched the bag containing aforesaid amount and they also took key of the motorcycle and managed to escape.

Learned counsel appearing for the petitioner submits



that the petitioner 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, Jyotish Das, he has been made accused in this case. He further submits that, in fact, neither anything incriminating has been recovered from the conscious possession of the petitioner nor the petitioner has been put on T.I.P. by the prosecution as yet. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that similarly situated co-accused, namely, Jyotish Das, Pappu Yadav and Mahendra Das have already been granted bail by different co-ordinate Benches of this Court vide order dated 12.04.2019, 23.04.2019 and 03.02.2020 passed in Cr. Misc. No. 23234 of 2019, Cr. Misc. No. 26226 of 2019 and Cr. Misc. No. 5734 of 2020, respectively. The petitioner is rotting in judicial custody since 22.07.2021.

Learned A.P.P. 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, 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 Katoriya P.S. Case



No. 240 of 2018 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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