

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.786 of 2022

Arising Out of PS. Case No.-95 Year-2021 Thana- KHAJAULI District- Madhubani

1. BHOLA YADAV Son of Kameshwar Yadav Resident of Village - Kuadh, P.S. - Jainagar, District - Madhubani.
2. Ajit Kumar Son of Baelal Prasad @ Baelal Yadav Resident of Village - Kuadh, P.S. - Jainagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rana Bhupendra Narayan Singh
For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-07-2022 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 petitioners and learned A.P.P. for the State.

The petitioners seek bail in connection with Khajauli P.S. Case No. 95 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, on 02.06.2021 the informant who is working in loan department of L & T Finance Micro Loan Branch, Khajauli was going along with his colleague Sonu Kumar for group collection of loan on two motorcycles and in return when they reached at village Ekdara



at 5 PM, the informant has total collection amount of Rs. 85,750/- and Sonu Kumar has collection amount of Rs. 58,750/-. It is further alleged that two persons came riding on red motorcycle and intercepted informant and his colleague. One of them pointed pistol towards Sonu Kumar and told to give collection money, registration card of motorcycle and other documents. The miscreants snatched collection money, mobile phones and key of the motorcycle from the informant and Sonu Kumar and fled away. The FIR has been registered against unknown.

Learned counsel for the petitioners submits that petitioners are in custody since 03.06.2021. Petitioner Bhola Yadav bears criminal history of four cases of similar nature and petitioner Ajit Kumar bears criminal history of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence. He further submits that petitioners are not named in the FIR and their name surfaced in this case on the basis of confessional statement of co-accused during course of investigation as mentioned in the impugned order. Petitioners have not been put on TIP and they have falsely been implicated in the present case merely on suspicion.



The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioners. He submits that as per seizure list, from possession of petitioner Bhola Yadav, Rs. 20,000/-, one mobile and one motorcycle without registration number have been recovered. He further submits that as per seizure list, from possession of Ajit Kumar one motorcycle without registration number, Rs. 25,000/- and one mobile have been recovered.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence and also taking into consideration the material available on record, let the petitioners above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhubani/concerned court in connection with Khajauli P.S. Case No. 95 of 2021, Sessions Trial No. 290 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) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

