

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2123 of 2023

Arising Out of PS. Case No.-741 Year-2022 Thana- KHAGARIA District- Khagaria

Kundan Yadav, S/o Turanti Yadav, R/o Village- Ranko, Chandra Nagar, P.S.-
Muffasil, Distt- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Ranjeet Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

The petitioner seeks regular bail, who is in custody in
connection with Khagaria P.S. Case No. 741 of 2022 registered
for the offences punishable under Sections 380 and 457 of the
Indian Penal Code.

It is alleged that on 21.07.2022, 5-6 unknown
miscreants broken the lock of the *godown* of the informant and
taken away valuables including the LCD, Battery and spare part
of generators.

It is alleged on behalf of the petitioner that the FIR
has been instituted against unknown miscreants, however,
during the course of investigation the name of the petitioner has



sprung up on the confessional statement of co-accused Raja Kumar and save and except the confessional statement, there is no other material, apart from the fact that the petitioner is neither put on Test Identification Parade nor any incriminating material has been recovered. Further submissions has been made that the offences are triable by Magistrate and now he is in custody since 01.08.2022, though the charge-sheet has already been submitted.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender carrying three criminal cases over his head.

Regard being had to the submissions made on behalf of the parties and considering the fact that offences are triable by Magistrate, coupled with the period of custody and the fact that the investigation is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 741 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions



which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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