

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2545 of 2023**

Arising Out of PS. Case No.-91 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Chanchal Yadav @ Chanchal Kumar S/O Indrajeet Yadav @ Indrjit Yadav,
Resident of village- Sujal Korama, P.S.- Rajoun, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satish Chandra Mishra, Advocate

For the Opposite Party/s : Mrs. Asha Devi, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 27-04-2023 Heard Mr. Satish Chandra Mishra, 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 Sessions Trial No. 410 of 2022 arising out of
Bhagalpur Kotwali P.S. Case No. 91 of 2022 registered for the
offence punishable under Section 392 of the Indian Penal Code,
however, charge has been framed under Section 395 of the
Indian Penal Code.

While the informant was going to deposit Rs.
3,50,000/- in IDBI Bank, in the meanwhile, three miscreants
came on a motorcycle, surrounded him and snatched the bag
containing Rs. 3,50,000/- on the point of pistol.

Submissions has been made 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 sprung up on the confessional statement of co-accused Santosh Kumar Yadav and save and except the confessional statement, there is no material suggesting the involvement of the petitioner. Further submissions has been made that neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered, moreover, other co-accused persons, whose name has also transpired on the confessional statement of co-accused Santosh Kumar Yadav, they have been allowed bail by the learned co-ordinate Bench of this Court in Cr. Misc. No. 44320 of 2022 vide order dated 16.12.2022. Furthermore, co-accused, Santosh Kumar Yadav, on whose confession the name of the petitioner surfaced has also been allowed bail in Cr. Misc. No. 34612 of 2022 vide order dated 14.10.2022. The petitioner is in custody since 26.03.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying two criminal antecedent over his head and he appears to be a habitual offender.

Regard being had to the submissions made on behalf of the parties and considering the fact that the person on whose



confession the name of the petitioner has transpired, has already been allowed the privilege of bail, coupled with the period of custody and the fact that charge-sheet has already been submitted, 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 Additional District & Sessions Judge – XIII, Bhagalpur in connection with Sessions Trial No. 410 of 2022 arising out of Bhagalpur Kotwali P.S. Case No. 91 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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