

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.4411 of 2023**

Arising Out of PS. Case No.-399 Year-2022 Thana- BARACHATTI District- Gaya

SAKALDEO YADAV @ SAKALDEO KUMAR S/O RAMCHARITRA  
YADAV @ CHAALITAR YADAV @ RAMCHALITAR YADAV Resident of  
Village- Bumar, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kumar Nikhil, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      27-04-2023                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in connection with Barachatti  
P.S. Case No. 399 of 2022 dated 18.05.2022 registered for the  
offence under Sections 392 of the Indian Penal Code.

Three miscreants are alleged to have committed loot  
from the informant and taken away his pick up van along with his  
mobile phone and driving license, pan card and cash of Rs.  
5000/-

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, 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., however, his name  
transpired in this case on the basis of confessional statement of



the co-accused, Sonu Kumar who has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No. 49839 of 2022. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner nor T.I.P. has been conducted by the prosecution as yet. Moreover, another co-accused, namely, Golu Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 22.12.2022 passed in Cr. Misc. No. 49891 of 2022 and the case of this petitioner stands on better footing. The petitioner is rotting in judicial custody since 21.05.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 Additional District and Sessions Judge-V, Gaya in connection with Barachatti P.S. Case No. 399 of 2022 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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