

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13547 of 2023**

Arising Out of PS. Case No.-446 Year-2021 Thana- NATHNAGAR District- Bhagalpur

DIVANA KUMAR S/O RANJIT YADAV Resident of Village- Naya tola,
Mirjapur, P.S.- Madhusudan pur, District- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

5 19-08-2023 Heard the parties.

The petitioner is an accused in connection with Nathnagar (Madhusudanpur O.P.) P.S. Case No. 446 of 2021 registered for the offences under sections 457, 380, 467, 379, 411 and 34 of the Indian Penal Code and sections 25(1-b)a, 26 and 35 of the Arms Act lodged on 20.08.2021 by the informant, Sunil Kumar Pandit.

As per the prosecution story, the accused persons entered the house of the informant for committing theft. However, the family members woke-up, raised alarm whereafter allegation is that one accused escaped while the other, Kartik Yadav apprehended with country made pistol and Rs. 670/- which followed the FIR.

It is the case of the petitioner that neither he was



present at the spot nor apprehended. Subsequently, on the confession of Kartik Yadav, his name has cropped up for which he has suffered by being in custody since 24.08.2021 (as stated in paragraph 11 of the bail application).

Further, submission is that the said Kartik Yadav has since been released by a co-ordinate bench in Cr. Misc. No. 41276 of 2022 on 15.11.2022.

Let the same be kept on record.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that his name has come in the confessional statement.

Taking into account the period of custody, he has not been apprehended from the spot, the person who was apprehended (Kartik Yadav) has since been released on bail, as stated above, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned J.M., Bhagalpur in connection with Nathnagar (Madhusudanpur O.P.) P.S. Case No. 446 of 2021, subject to the following conditions-:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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