

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8866 of 2023**

Arising Out of PS. Case No.-193 Year-2022 Thana- CHARPOKHARI District- Bhojpur

BHUAR YADAV @ BHUAR @ RAVI SHANKAR Son of Guput Singh R/V-
Pritampur, P.S- Charpokhari, dist- Bhojpur.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Umanath Mishra, APP

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

3 24-06-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
21.10.2022 in connection with Charpokhari P.S. Case No.
193 of 2022, F.I.R. dated 10.10.2022 registered for the
offence punishable under Section 394 of IPC and Section 27
of Arms Act.

As per prosecution case, the informant alleged that
while he was at Kornaul near Babul tree, three unknown
miscreant boarded on a motorcycle snatched his bag
containing ornaments. It is further alleged that the accused
persons also fired upon him.

Learned counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Nepali @ Vikash Yadav and the self-confessional statement of the petitioner. Further submits that nothing has been recovered from conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution and except the self-confessional statement of the petitioner, no other material has come during investigation against the petitioner, except the C.D.R. Report, which reflect that co-accused person, namely, Nepali @ Vikash Yadav was present at the place of occurrence. Further submits that co-accused person, namely, Nepali @ Vikash Yadav has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 17.04.2023 passed in Cr. Misc. No.8694 of 2023 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 21.10.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries two more cases other than the present one but fairly



submits that the petitioner is on bail in both the cases, as mentioned in para-3 of the bail petition.

Considering the facts and circumstances of the case, let the petitioner, above named, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 193 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 cancelled 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.

(3) 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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