

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71421 of 2022

Arising Out of PS. Case No.-44 Year-2022 Thana- MAHKAR District- Gaya

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BAIJU YADAV SON OF RAMDAHIN YADAV R/O VILLAGE-
DARIYAPUR, KAIYATAR, P.S.- KHIZAR SARAI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 15018 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- MAHKAR District- Gaya

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SUBODH KUMAR SON OF DINESH YADAV @ TETAR YADAV R/O
VILL.- KAIYA TAND, P.S.- KHIJARSARAI, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 71421 of 2022)

For the Petitioner/s : Mr.Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh,APP

(In CRIMINAL MISCELLANEOUS No. 15018 of 2023)

For the Petitioner/s : Mr.Rewti Kant Raman,Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh,APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-04-2023 Heard learned counsel appearing for the petitioners
and the learned A.P.P. for the State in both the applications.

The petitioners seek bail in connection with Mahkar
P.S. Case No. 44 of 2022, registered for the offence under
Sections 395 of the Indian Penal Code.

The FIR of the occurrence of loot is against unknown.



Learned counsel appearing for the petitioners submits that the petitioners have have falsely been implicated in the present case. He further submits that the petitioners are not named in the FIR. The name of the petitioners have been transpired during investigation on the basis of the confessional statement of the co-accused persons. Further submits that nothing incriminating article has been recovered from possession of the petitioners and till date no TIP has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioners and the petitioners are in custody since 30.06.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners and submits that the petitioners carry one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Gaya in connection with Mahkar P.S. Case No. 44 of 2022, with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper 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 petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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