

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17606 of 2023

Arising Out of PS. Case No.-110 Year-2022 Thana- GHOGHARDIHA District- Madhubani

Krishnadeo Yadav @ Krishna Yadav @ Dev Krishan Yadav @ Rudal Yadav
S/O Bechan Prasad Yadav @ Bechan Yadav R/o- Siswabarhi, P.S.- Phulparas,
District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.10.2022 in connection with Ghoghardiha P.S. Case No. 110
of 2022, F.I.R. dated 12.08.2022 for the offences punishable
under Section 394 of the Indian Penal Code and Section 25(1-
b)a, 26 and 35 of the Arms Act.

According to prosecution case, in short, is that four
unknown miscreants intercepted the informant and his son and
started abusing them and snatched Rs.10,000/- cash, mobile
phone and when they resisted, then miscreants placed pistol on
the head of the informant and also assaulted the informant with
butt of the pistol and when son of informant made hue and cry



then miscreants fled away and one pistol with one cartridge fell down at the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner. He further submits that it appears from the F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Vivek Kumar Yadav @ Vivek Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 01.05.2023 passed in Cr. Misc. No. 15455 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 11.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.



Considering the aforesaid facts and circumstances, 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 the learned Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with Ghoghardiha P.S. Case No. 110 of 2022, arising out of G.R. No. 1383 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his 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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