

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21759 of 2023

Arising Out of PS. Case No.-187 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

SHAMBHU NATH YADAV @ PRABHU NATH YADAV @ PRABHA
NATH YADAV @ KANHAY YADAV S/O LATE SHARVAN YADAV R/v-
Nayadih Kishanpur, P.S.- Rajoun, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-09-2023 1. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 17.10.2022 seeks bail, in connection with Muffasil P.S. Case No.187/2022, dated 16.10.2022, for the offences punishable under Sections 401, 411, 413, 414/34 of the IPC.

3. According to prosecution case, three motorcycles without number plate were recovered from the house of co-accused namely Sanjit Kumar Pathak.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from perusal of the F.I.R. as well as seizure list, it appears that nothing incriminating article has been recovered from possession of the petitioner. He further submits that all the three



motorcycles without number plate were recovered from the house of co-accused, namely, Sanjit Kumar Pathak and the petitioner was apprehended along with co-accused Sanjit Kumar Pathak from the house of co-accused Sanjit Kumar Pathak. He further submits that due to previous criminal antecedents of the petitioner, the petitioner has falsely been implicated in the present case and the police after investigation submitted the charge sheet against the petitioner on 29.11.2022 under sections 401, 411, 413, 414 and 34 of the IPC and the petitioner is in custody since 17.10.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried eleven criminal antecedent other than the present one in which he has been acquitted in four cases.

6. Considering the aforesaid facts and circumstances as well as period of custody, 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 Sri Vikash Kumar Singh, J.M. 1st Class, Katihar in connection with Muffasil P.S. Case No.187/2022, G.R. No.5199/2022, 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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