

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17153 of 2023

Arising Out of PS. Case No.-393 Year-2022 Thana- BANKA District- Banka

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Bablu Yadav @ Babloo Yadav S/O Ramdeo Yadav @ Ramdev Yadav
Resident of Village- Bhelwa, P.S.- Katoriya District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 01-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
22.06.2022, in connection with Banka P.S. Case No. 393 of 2022,
F.I.R. dated 19.06.2022 registered for the offences punishable
under Sections 364, 379, 34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 18.06.2022
while the informant Vimal Kumar, Technician, ACME Solar Plant ,
Sonari and seven others were passing through Sonari Village on
Bolero vehicle then six miscreants riding on two motorcycles
obstructed them and kidnapped one of them namely Arup
Manna. It is further alleged that the said miscreants also
assaulted the informant and his staff and looted their wallets and
mobile phones.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused person namely Pankaj Kumar who confessed before the police that the petitioner was also involved in the present occurrence and the victim was examined under Section 164 of the Cr. P.C. in which the victim has not stated anything about the petitioner and even the victim has not identified the petitioner and till date no test identification parade was conducted by the prosecution. He further submits that co-accused person namely Babulal Yadav has been granted bail by a Coordinate Bench of this court vide order dated 09.12.2022 passed in Cr. Misc. No. 49291 of 2022, another co-accused person namely Rajesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 09.12.2022 passed in Cr. Misc. No. 50382 of 2022, another co-accused person namely Mukesh Kumar Manjhi has been granted bail by a Coordinate Bench of this Court vide order dated 13.03.2023 passed in Cr. Misc. No. 65389 of 2022 respectively. He further submits that the police after investigation submitted chargesheet



against the petitioner and the petitioner is in custody since 22.06.2022.

5. The 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 carries two more cases other than the present one.

6. 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 393 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 witness, 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 antecedents, 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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