

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20335 of 2023**

Arising Out of PS. Case No.-194 Year-2021 Thana- KHAJAULI District- Madhubani

Baiju Kumar Yadav @ Baiju Yadav Son of Jay Prakash Yadav Resident of
Village - Narar, P.S.- Kaluahi, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER**

2 17-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Khajauli
P.S. Case No. 194 of 2021 dated 22.11.2021, instituted for the
offence punishable under Sections 392 of the Indian Penal Code.

3. The prosecution case, in short, is that on 21.11.2021
at 06.00 P.M., when the informant Chandrashekhar Mishra along
with his associates, namely, Anish Kumar were returning to their
company at Madhubani by motorcycle after collecting the amount
Rs. 9,64,800/- and a blank cheque of Rs. 1,00,000/- of company,
then near *kabristan*, between Rasidpur and Shivopatti village,
three persons came on a motorcycle and surrounded them and fell
down them and on the point of pistol, they snatched the above
mentioned amount and mobile phone from them and fled away.



4. Learned counsel for the petitioner submits that the petitioner is innocent and he has only been implicated due to his old criminal antecedents on the instance of police party. Learned counsel for the petitioner submits that First Information Report has been lodged against unknown persons and later on, the name of the petitioner has been transpired in this case only on the basis of confessional statement of Abhishek Yadav and Sanjay Kumar Sah. Learned counsel for the petitioner further submits that nothing has been recovered from the possession of the petitioner and he has been remanded from Ladaniya P.S. Case No. 271 of 2022. Lastly, it has been submitted that the petitioner is in custody since 16.11.2022 having fourteen(14) criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M.- 1st Class, Madhubani, in Khajauli P.S. Case No. 194 of 2021, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. 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.

(Khatim Reza, J)

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