

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19390 of 2023

Arising Out of PS. Case No.-141 Year-2022 Thana- LAUKAHI District- Madhubani

Om Prakash Yadav @ Omprakash Yadav Son Of Suraj Narayan Yadav @
Sury Narayan Yadav Resident Of Village - Navtol, P.S. - Phulparas, Distt. -
Madhubani

... .. Petitioner/s

Versus

The State Of Bihar , Patna

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
06.06.2022, in connection with Laukahi P.S. Case No. 141 of 2022,
corresponding to G.R. No. 916 of 2022, F.I.R. dated 05.06.2022
registered for the offences punishable under Section 392 of the
Indian Penal Code but the police after investigation submitted
chargesheet under Section 395 of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against
unknown.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case due to his previous criminal antecedents. He
further submits that the petitioner is not named in the F.I.R. and



the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused persons namely Tilleshwar Roy. He further submits that nothing has been recovered from the possession or the house of the petitioner and till date no test identification parade was conducted by the prosecution and except the confessional statement of co-accused person no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence . He further submits that co-accused namely Tilleshwar Roy has been granted bail by a Coordinate Bench of this Court vide order dated 10.05.2023 passed in Cr. Misc. No. 66171 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 06.06.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries fifteen cases other than the present one but fairly submits from paragraph-3 of the petition that the petitioner is on bail in all the cases.

Considering the facts and circumstances of the case and the period of custody, 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 Judicial Magistrate 1st Class, Jhanjharpur,



Madhubani in connection with Laukahi P.S. Case No. 141 of 2022, corresponding to G.R. No. 916 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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