

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20627 of 2023

Arising Out of PS. Case No.-5 Year-2020 Thana- IMAMGANJ District- Gaya

Sudhir Yadav son of Rameshwar Yadav Village- Nawaratanpur Ps- Pratappur
Dist- Chatra Jharkhand

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 19.09.2020 in connection with Imamganj P.S. Case No. 05 of 2020, F.I.R. dated 10.01.2020 for the offences punishable under Section 395 of the Indian Penal Code.

4. According to prosecution case, all the accused persons took the driver and khalasi of the truck to some unknown place driving for three hours and snatched Rs. 22,000/- along with his license and R.C. of the vehicle and also took away Rs. 6,200/- from the pocket of the driver along with



mobile, Aadhar etc.

5. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. 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 the confessional statement of the co-accused persons, namely, Gautam Kumar Chaudhary and Bhola Yadav @ Amarjeet Yadav. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.09.2020.

6. Vide order dated 06.07.2023 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 05.08.2023 reveals that the co-accused persons were committed to Court of Sessions on 03.08.2023.

7. Learned Counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 19.09.2020.

8. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in two cases and in one case, the petitioner has been acquitted from the charges.

9. Considering the aforesaid facts and circumstances and the 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 the learned Judicial Magistrate 1st Class, Sherghati (Gaya) in connection with Imamganj P.S. Case No. 05 of 2020, 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 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.

ii. 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.

iii. 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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