

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19387 of 2023

Arising Out of PS. Case No.-21 Year-2022 Thana- KALUAHI District- Madhubani

Abhishek Yadav @ Abhishek Kumar Yadav S/O Sri Madan Yadav R/O
Village-Korahiya, P.S- Jaynagar, 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 : Mrs. Meena Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
24.11.2022 in connection with Kaluahi P.S. Case No. 21 of
2022, F.I.R. dated 14.02.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, three unknown
miscreants boarded on a motorcycle dashed the informant's
motorcycle due to that informant fell down on the road and all
the miscreants snatched Rs.7 lacs kept in the informant's bag.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that 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 namely,



Shatrughan Kumar Singh. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Baiju Kumar Yadav @ Baiju Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 24.05.2023 passed in Cr. Misc. No. 26072 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner was remanded in the present case on 24.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries eight criminal antecedents other than the present one and out of eight criminal antecedents petitioner is on bail in five cases.

Considering the aforesaid facts and circumstances, 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 Smt. Swati Surendara, Judicial Magistrate-1st, Madhubani in connection with Kaluahi P.S. Case No. 21 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 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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