

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24319 of 2023

Arising Out of PS. Case No.-689 Year-2022 Thana- DHAKA District- East Champaran

RUPESH YADAV son of Harishankar Rai Village- Chailahan Ps- Banjaria
Dist- E.Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar Singh, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
15.11.2022 in connection with Dhaka P.S. Case No. 689/2022,
dated 10.11.2022, for the offences punishable under Sections
457, 380 of the IPC but later on Section 411 of the IPC was
added.

3. According to prosecution case, the petitioner is
alleged to have committed theft of cash of Rs.2.04 lacs, gold
and silver ornaments worth Rs.5 lacs of the wife and mother of
the informant after climbing on the roof of the informant.

4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
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 on the basis of confessional statement of the petitioner the stolen articles were recovered from the possession of the petitioner but the recovered articles have not been put on T.I.P. as yet and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 15.11.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. 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 S.D.J.M., Sikrahana, Dhaka, Motihari, East Champaran, in connection with Dhaka P.S. Case No.689/2022, 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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