

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27141 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- JHANJHARPUR District- Madhubani

OM PRAKASH YADAV Son of Dev Prasad Yadav Resident of village-
Navtol, P.S.-Phulparas, District-Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Jhanjharpur (ASOP) P.S. Case No. 168 of 2022 dated 02.08.2022
giving rise to G.R. No. 1304 of 2022 registered for the offence
under Sections 392 of the Indian Penal Code.

Four miscreants are alleged to have committed loot on
the point of gun from the informant and snatched away his
mobile and Rs. 1500/- from his pocket.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on
the basis of confessional statement of the co-accused, Dev



Krishna Yadav @ Rudal Yadav @ Dev Krishna Kumar Yadav, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 19.05.2023 passed in Cr. Misc. No. 21731 of 2023. He further submits that, in fact, neither anything incriminating has been recovered from the conscious possession of the petitioner nor the petitioner has been put on T.I.P. by the prosecution as yet. He further submits that the co-accused, namely, Vivek Kumar Yadav @ Vivek YadavDev has already been granted bail by a co-ordinate Bench of this Court vide order dated 18.05.2023 passed in Cr. Misc. No. 21560 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 29.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st Class, Jhanjharpur, Madhubani in connection with Jhanjharpur (ASOP) P.S. Case No. 168 of 2022 corresponding to G.R. No. 1304 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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