

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27423 of 2023

Arising Out of PS. Case No.-188 Year-2021 Thana- BAKHARI District- Begusarai

SAKET YADAV @ SAKET Son of Fuleshwar Prasad Yadav Resident of
Village - Mauji Hari Singh, P.S.- Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Binod Kumar Sinha, Advocate Mr. Shishir Kumar Shishir, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. The petitioner seeks bail in connection with Bakhri
P.S. Case No. 188 of 2021 registered for the offence under Section
392 of the Indian Penal Code.

4. The accused/petitioner is not named in the F.I.R. and
is in custody since 23.09.2021.

5. The allegation against the petitioner is to commit
robbery and while committing so taken away cash of Rs.
1,90,000/-, mobile phone and motorcycle belongs to informant and
others.

6. Learned counsel appearing on behalf of the petitioner



submitted that the name of this petitioner was surfaced during the course of investigation on the basis of confessional statement of co-accused Md. Rehul Ansari, in furtherance of which two motorcycles were alleged to be recovered from this petitioner. It is submitted that as per seizure list said motorcycle, which alleged to be recovered from this petitioner appears bearing different registration number *qua* motorcycle which alleged to be looted during the course of occurrence. It is submitted that alleged motorcycle was recovered from the outside of the house of this petitioner, which is an open place accessible by general public and as such, it can be said safely that alleged recovery was not made from physical possession of this petitioner. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP opposes the prayer of bail.

8. Considering the facts and circumstances as mentioned above and by taking note of the fact as alleged motorcycle appears to be recovered from open place having different registration number coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 23.09.2021, accordingly, above named petitioner is directed to be released on bail in connection with Bakhri P.S. Case No. 188 of



2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Begusarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C., with further conditions:

“(i) That the petitioner shall not involve in similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned trial Court till the conclusion of trial and exemption from physical appearance be allowed by the learned trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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