

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28066 of 2023

Arising Out of PS. Case No.-64 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

KAILASH YADAV @ SADHU Son of Late Gurucharan Yadav Resident of
muhabla - Hanuman Path, Tilkamanjhi, P.S.- Tilkamanjhi, District -
Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mrs.Meena Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
18.01.2023 in connection with Kotwali(Barari) P.S. Case No.
64 of 2023, F.I.R. dated 17.01.2023 registered for the offence
punishable under Sections 457,380,411,34 of IPC.

Allegation against the petitioner is that he caught on
the spot and stolen material was recovered from his possession.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present case
due to previous criminal antecedent of the petitioner. Further
submits that the allegation as alleged in the FIR is false and
fabricated and nothing has been recovered from conscious



possession or the house of the petitioner and the police has planted the same and shown the recovery has been made from possession of the petitioner. In fact the petitioner was arrested on the spot and there is non-compliance of Section 100 of Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 18.01.2023.

Learned APP for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries ten more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 learned Judicial Magistrate-1st Class, Bhagalpur in connection with Kotwali(Barari) P.S. Case No. 64 of 2023, 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 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)

Nitesh/-

U		T	
---	--	---	--

