

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28165 of 2023**

Arising Out of PS. Case No.-95 Year-2022 Thana- PARBATTI District- Bhagalpur

1. Chandan Yadav @ Chandan Kumar Son Of Banarshi Yadav R/O-Dhobiniya, P.S.-Naugachia, Distt.-Bhagalpur.
2. Julo @ Julmi Yadav Son Of Late Shibo Yadav R/O-Dhobiniya, P.S.-Naugachia, Distt.-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

For the Opposite Party/s : Mrs. Sangeeta Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 24-05-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 19.10.2022 in connection with Parbatta P.S. Case No. 95 of 2022, F.I.R. dated 15.08.2022 for the offences punishable under Section 392 of the Indian Penal Code.

According to prosecution case, as per written report of the informant Chandra Shekhar Mandal stating therein that the informant is the sales man in Sri Gulab Sattu, Bina Industry Barari. On 15.08.2022 at about 08:00 hours informant went for collecting the arrears from different client of the Company whose names and details are mentioned in the written report on



Bus. After collection the informant was returning on a Tempo keeping all collected money amounting to Rs.1,44,140/- in his backpack. At about 14:00 hours as soon as the tempo reached near Jamuniya Kabristan on Road No. 14 at Mahanth Stan three persons who were riding on a motorcycle over took the Tempo, gave fear of firearm to the informant and tempo driver and snatched backpack of informant. Thereafter miscreants fled away toward Tetri in eastern direction.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and the name of the petitioners have been transpired during investigation on the basis of self confessional statement of the petitioners which was recorded in Naugachia P.S. Case No. 262 of 2022 and except the aforesaid no other cogent material has come during investigation to suggest the involvement of the petitioners in the present occurrence. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 19.10.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.



Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-III, Naugachia, Bhagalpur in connection with Parbatta P.S. Case No. 95 of 2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail



bond of the petitioners. 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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