

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28602 of 2023**

Arising Out of PS. Case No.-80 Year-2022 Thana- LAKHNAUR District- Madhubani

DEV KRISHNA YADAV @ RUDAL YADAV @ DEV KRISHNA KUMAR
YADAV @ DEV KRISHNA KUMAR S/o- BECHAN YADAV @ BECHAN
PRASAD YADAV Village- Siswabarhi, PS- Phulparas, Dist- 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. Ajit Kumar, APP

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

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

Petitioner seeks bail, who is in custody since
10.10.2022 in connection with Lakhnaur (RSOP) P.S. Case No.
80/2022, F.I.R. dated 24.05.2022, for the offences punishable
under Sections 392 of the IPC.

According to prosecution case, while the informant
was going to deposit the amount of Rs. 1, 18, 847/-, two
unknown persons asked him to stop and snatched his bag
containing cash. It is also alleged that the miscreants also fired
2-3 rounds and fled away by their motorcycle which was
without number plate.

Learned counsel for the petitioner submits that the



petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired on the basis of self confessional statement of the petitioner and confessional statement of the co-accused and except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from the conscious possession or the house of the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 10.10.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three criminal antecedent antecedent other than the present one.

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 J.M. 1st Class, Jhanjharpur, Madhubani in connection with Lakhsaur (RSOP) P.S. Case No.80/2022, G.R. No.840/2022, 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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