

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37270 of 2023

Arising Out of PS. Case No.-194 Year-2021 Thana- KHAJAUOLI District- Madhubani

Abhishek Yadav @ Abhishek Kumar Yadav Son Of Madan Kumar Yadav
Resident Of Village - Korhiya, P.S. - Jaynagar, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar , Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti, Advocate
For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 07-07-2023 Heard the parties.

The petitioner is in custody since 24.11.2021 in connection with Khajauli P.S. Case No. 194 of 2021 for the offence punishable under Section 392 of the I.P.C. lodged on 22.11.2021 by the informant Chandrashekhar Mishra.

The prosecution story, in brief, is that the informant alleged that on 21.11.2021 he was with his associate Anish Kumar to collect the money of the company and after collecting the same, he reached Khajauli at Abhishek Trader. Further his associate was carrying Rs. 9,64,800/- in cash and a blank cheque of Rs. 1,00,000/- and as they reached the village Rasidpur, a Apache Motorcycle with three persons and surrounded him and on the point of pistol, took the bag from his associate containing cash as also mobile. The accused persons



fled away towards Shivpatti. Accordingly, the FIR.

It has been contended by the learned counsel for the petitioner that his name has come in the confessional statement of other co-accused and further despite he being in custody since 24.11.2021 (as stated in para-14 of the bail application) neither any TIP has been done nor anything incriminating has been recovered from his conscious possession.

Learned APP opposes the prayer stating that he has criminal antecedent.

Taking into account the period of custody (24.11.2021) and further despite being in custody, no TIP was conducted nor anything incriminating has been recovered from his conscious possession, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhubani, in connection with Khajauli P.S. Case No. 194 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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