

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38927 of 2022**

Arising Out of PS. Case No.-109 Year-2021 Thana- BABUBARHI District- Madhubani

Bhola Yadav S/o Kameshwar Yadav Resident of Village- Kuadh South, Ward  
No.- 05, P.S.- Jainagar, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar Singh

For the Opposite Party/s : Ms. Renu Kumari

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

4      14-02-2023                      Heard Ld. counsel for the petitioner and Ld. APP  
for the State.

The petitioner seeks bail in connection with  
Babubarhi P.S. Case No.109 of 2021, registered for the  
offence punishable under Section 392 of the Indian Penal  
Code.

The prosecution case as emerges from the FIR is  
that on 26.05.2021, when the informant was returning after  
collection of his sale proceeds of Rs. 2,12,000/-, two  
persons came and looted the said amount and his mobile  
phone near Bhatgama village.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case only on the basis of suspicion. He further submits that there is no material recovered from the petitioner which could connect him with the present case. He also submits that no Test Identification Parade has been conducted as yet.

He further submits that the petitioner has been languishing in jail since 06.04.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in four other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties



of the like amount each to the satisfaction of Ld. A.C.J.M.,-  
1st, Madhubani in connection with Babubarhi P.S. Case  
No.109 of 2021 on the following conditions:

(i) The petitioner will make himself available for  
interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that  
investigation/trial will not get hampered on account of his  
absence or non-cooperation. He must be available to the  
police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly  
make any inducement, threat or promise to any person  
acquainted with the facts of the case so as to dissuade him  
from disclosing such facts to the court or to any police  
officer.

(iv) In case, it is brought to the notice of the court  
below that the petitioner has criminal antecedents other than  
the disclosed one, Ld. court below shall cancel the bail bonds  
of the petitioner after hearing him and getting satisfied that  
the petitioner has concealed his criminal antecedents despite  
his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

**(Jitendra Kumar, J)**

chandan/-

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