

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39430 of 2023

Arising Out of PS. Case No.-313 Year-2022 Thana- BIHAR District- Nalanda

Najir Yadav S/O Shiv Yadav R/O Village- Upraura, P.S- Bihar and District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Bihar P.S.
Case No. 313 of 2022, registered for the offences punishable
under Sections 392 and 411 of the IPC.

As per FIR, it is alleged that the informant and his
friends were assaulted by all the accused persons including the
petitioner, who also snatched golden chain, mobile and cash
from the informant and his friends.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that though the petitioner is named in
the FIR, but no theft property has been recovered from the
conscious possession of the petitioner. It is further submitted



that co-accused Sanjit Kumar @ Bhola Yadav, from whom theft property has been recovered, has already been granted bail by a co-ordinate Bench of this Court, vide order dated 10.05.2023, passed in Cr. Misc. No. 15173 of 2023.

He further submits that the petitioner has been languishing in jail since 05.05.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

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, learned 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 ₹10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bihar P.S. Case No. 313 of 2022, 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 concealed his criminal antecedents, learned 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, learned 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)

Amrendra/-

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