

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40426 of 2023

Arising Out of PS. Case No.-323 Year-2022 Thana- DARAUNDA District- Siwan

MANISH YADAV Son of Gulab Chand Yadav @ Gulab R/o Village - Lilari
Bharauli, P.S.- Kopaganj, District - Mau (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-07-2023 Heard the parties.

The petitioner is in custody since 25.02.2023 in connection with Daraunda P.S. Case No. 323 of 2022 for the offence punishable under Sections 406, 420, 379 of the I.P.C. lodged on 25.11.2022 by the informant Upendra Kumar

As per the prosecution story, the informant owns Money Transport Agency and the vehicle was sent for loading of rice but the driver after loading of the rice and taking the cost of Rs. 40,000/- disappeared. Subsequently, the same was sold for Rs. 6,22,710/- as such, the F.I.R. against accused Amit Yadav.

Petitioner was apprehended in connection with Barhaj P.S. Case 300 of 2022 in which allegation against him is also of the same nature. Accordingly, he has been remanded in this case.



Learned counsel for the petitioner submits that so far as the case in which he was made accused, he is on bail and only because the allegation is of similar nature, he has been remanded in this case. The last submission is that he is in custody since 25.02.2023 (as stated in paragraph 5 in the bail application).

Learned APP opposes the prayer that it is the case of disappearing with the rice was Rs. 6,22,710/- as also the transportation cost of Rs. 40,000/-.

Taking into account that main allegation of disappearance is against one Amit Yadav, he was in a accused in a different case from which has been remanded in this case, as remained in custody, as stated above, 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 Smt. Shalini Shukla, J.M. 1st Class, Siwan in connection with Duraunda P.S. Case No. 323 of 2022 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 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)

Jagdish/Jyoti/-

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