

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40680 of 2023

Arising Out of PS. Case No.-874 Year-2022 Thana- SIKARPUR District- West Champaran

BHOLA YADAV @ AKHILESH YADAV Son of Satrohan Yadav @
Shatrudhan Yadav Resident of village - Ward no. 13, Bajada Bairiya, P.s. -
Sahodara, Distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-07-2023 Heard learned Senior Counsel for the petitioner and
learned counsel for the State.

The petitioner apprehends his arrest in connection with Shikarpur P.S. Case No. 874 of 2022 for the offence punishable under Sections 457 and 380 of the I.P.C lodged on 02.11.2022 by the informant Viswajit Panday.

As per the prosecution story, the allegation is that the informant locked his house and went to in-laws house and on 01.11.2022 when he returned next day found the same ransacked, in the process, valuable items were stolen. Accordingly, the FIR.

Subsequently, during investigation, the name of the petitioner cropped up but there is no recovery from his house.



Learned counsel for the petitioner submits that his name has been taken by one Zahir Ansari in his confessional statement and that is the basis for his implication in other cases as reflect in paragraph-3 of the petition.

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

Taking into account the fact that his name has come in the confessional statement and there is no recovery from his house, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, 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, Bettiah, West Champaran in connection with Shikarpur P.S. Case No. 874 of 2022, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(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 petitioners shall appear before the concerned police station every monthly 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 anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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