

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42654 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- TATARPUR District- Bhagalpur

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SUDAMA @ SUDAMA YADAV @ SANTOSH YADAV @ VISHAL
YADAV @ KARAN YADAV Son of Late Ramlal Yadav Resident of Village -
Jorabganj, P.S.- Kodha, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anup Kumar Pandey

For the Opposite Party/s : Mr.Nand Kishor Pd

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 30-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Tatarpur
P.S. Case No. 94 of 2021,G.R. No. 2163 of 2021 registered for the
offences punishable under Section 392 of the IPC.

As per prosecution case, informant withdraw rupees
two lakh from the S.B.I. bank and kept it in the bag. It is alleged that
two miscreants came on a motorcycle and snatched the bag in which
cash, cheque book, post office passbook and one personal notebook
was kept.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been transpired



in the case during the course of investigation, upon the self-confessional statement. Except self-confessional statement, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 24.08.2021 and bears criminal antecedent of twelve cases in which he is on bail in ten cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that no TIP has been conducted uptill now.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-7, Bhagalpur in connection with Tatarpur P.S. Case No. 94 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in



bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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