

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42062 of 2022

Arising Out of PS. Case No.-471 Year-2021 Thana- BRAHMPUR District- Buxar

JAWAHIR YADAV S/o Mangal Yadav R/o Village- Chakani, P.S.-
Brahampur, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Kamal Deo Sharma

For the Opposite Party/s : Mr.Raj Ballabh Singh

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
Brahampur P.S. Case No. 471 of 2021 registered for the offences
punishable under Sections 341, 323, 342, 147, 504, 379, 506 of the
IPC and later on added Sections 395 and 412 of the IPC.

As per prosecution case, on 26.08.2021 at about 1:00
to 2:00 a.m., 20-25 persons came and tied the hands and legs of the
informant's side and loaded the sheep in a pick up van alongwith
mobile phones and money of the informant's side and fled away.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been transpired in
the present 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 30.05.2022 and bears criminal antecedent of two cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that only a mobile phone has been recovered from the possession of the petitioner but the IEMI No. of recovered mobile is different from the looted one. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. He further submits that co-accused Saroj Yadav has already been granted bail vide Cr. Misc. No. 48571 of 2022 by a co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing.

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, co-accused has already been granted bail, 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, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Buxar in connection with
Brahampur P.S. Case No. 471 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.

(Alok Kumar Pandey, J)

vashudha/-

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