

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.54904 of 2023**

Arising Out of PS. Case No.-328 Year-2022 Thana- KOTWA District- East Champaran

BABLOO KUMAR @ BABLOO YADAV @ BABLOO RAI @ AKASH  
YADAV S/O ANIL PRASAD YADAV @ MALIK RAY R/O VILLAGE-  
BIJDHARI, PS. KESARIYA, DIST. EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

**CRIMINAL MISCELLANEOUS No. 37948 of 2023**

Arising Out of PS. Case No.-328 Year-2022 Thana- KOTWA District- East Champaran

DILIP YADAV SON OF SUKRIT RAI @ SUKRIT YADAV VILLAGE  
PATPARIYA P.S KALYANPUR DISTRICT EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In CRIMINAL MISCELLANEOUS No. 54904 of 2023)

For the Petitioner/s : Mr.Sunil Kumar No.III, Advocate  
Mr. Bijendra Kumar, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 37948 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

2      28-08-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

The petitioners are in judicial custody in connection  
with P.S. Case No. Kotwa P.S. Case No. 328 of 2022 registered  
under Section 395 of the Indian Penal Code and Section 27 of  
the Arms Act lodged on 13.08.2022 by the informant, Munna



Kumar.

As per the prosecution story, the petitioner was running a Customer Service Centre of Central Bank Of India and on that particular day, the shop was opened with a cash of Rs. 6.1 lakh. He went out and his nephew were running the centre. In the meantime, accused persons came on two motorcycles and looted away 5,12,000/- along with ATM Cards/Debit Card and cheque book. Accordingly, the FIR.

It is the case of the petitioners that their name has come in the confessional statement of Munna Kumar but nothing has been recovered from their conscious possession nor any Test Identification Parade has been conducted, though they are in custody since 24.03.2023 & 12.09.2022 respectively (as stated in paragraph nos -14 & 12 of their petition). It is his further submission that similar situate co-accused person, namely Bullet @ Satyendar Yadav @ Bullet Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 25181 of 2023.

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

Taking into account the submissions put forward by the learned counsel for the petitioner, the facts on record, their



name has come in the confessional statement, nothing has been recovered, no T.I. Parade has been conducted and similar situation co-accused persons has since been extended the privilege of bail, this Court is inclined to grant him privilege of bail only after framing of the charge on the ground that he has criminal antecedent.

Let the petitioners, above named, be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-10, East Champaran, Motihari/concerned court in connection with Kotwa P.S. Case No. 328 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioners 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 their bail bonds;

(v) the petitioners shall desist from committing any  
criminal offence again failing which the State shall be at liberty  
to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Jagdish/-

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