

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48009 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- CHANDAN District- Banka

MUKENDRA YADAV SON OF LATE LEKHO YADAV RESIDENT OF
VILLAGE - AMJORA, POLICE STATION - ANANDPUR, DISTRICT -
BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 49619 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- CHANDAN District- Banka

RATAN KUMAR SON OF BEGU YADAV RESIDENT OF VILLAGE-
CHAMPATARI, POLICE STATION- CHANDAN, DISTRICT-BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR,

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 48009 of 2023)

For the Petitioner/s : Mr. Praveen Kumar, Adv.

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

(In CRIMINAL MISCELLANEOUS No. 49619 of 2023)

For the Petitioner/s : Mr. Ajay Mukherjee, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 2 07-08-2023 1. Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.
2. Petitioners, who are in custody since 25.02.2023 &
22.03.2022 respectively, seek bail in connection with Chandan
(Anandpur) P.S. Case No.38/2023 registered for the offences
punishable under Sections 392 of the I.P.C. but the charge sheet



has been submitted under Sections 392 and 411 of the Indian Penal Code.

3. According to prosecution case, some unknown miscreants looted away Rs. 1,91,851/- from the dicky of the informant along with mobile and bio-metric scanner of the informant.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not named in the F.I.R. The name of the petitioners have been transpired during investigation on the basis of confessional statement of the co-accused namely Sanjay Kumar Yadav. He further submits that nothing has been recovered from conscious possession or the house of the petitioners rather the recovery has been made from the co-accused, namely, Sanjay Kumar Yadav and till date no T.I.P. conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 25.02.2023 & 22.03.2022 respectively.

5. Learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the



petitioners.

6. Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Banka in connection with Chandan (Anandpur) P.S. Case No.38/2023, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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