

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50701 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- ASHTHAWAN District- Nalanda

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GOPAL YADAV @ GOPAL KUMAR SON OF GENDHARI YADAV
RESIDENT OF VILLAGE - ASHTHAWAN, P.S. - ASHTHAWAN,
DISTRICT - NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Prasad Bhartee, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 21-09-2023 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 27.02.2023 seeks bail, in connection with Asthawan P.S. Case No.12/2023, dated 09.01.2023, for the offences punishable under Sections 395 of the IPC.
3. According to prosecution case, while the informant and his family members were sleeping in his house, 4-5 unknown persons entered into his house and on the point of rifle, pistol and knife looted a bag containing Rs. 505000/-, which was kept in Almirah and fled away.
4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. the name of the petitioner has been transpired on the basis of confessional statement of co-accused and nothing has been recovered from conscious possession of the petitioner and till date no T.I.P has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 27.02.2023.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried 10 criminal antecedent other than the present one but fairly submits on the basis of supplementary affidavit that out of 10 cases, the petitioner is on bail in 8 cases.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Additional Sessions Judge, Nalanda at Bihar Sharif in connection with Ashthawan P.S. Case No.12/2023, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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