

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52737 of 2023

Arising Out of PS. Case No.-57 Year-2023 Thana- BANKA District- Banka

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KRISHNA KUMAR @ SUKKAR YADAV Son of Babulal Yadav Resident of
Village-Riga, Police Station-Banka, District-Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ganesh Sharma, Advocate
		Mr. Ajay Mukherjee, Advocate
For the Opposite Party/s :		Mr. Pronoti Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Banka P.S. Case No. 57 of 2023 registered under Section 394 of the Indian Penal Code lodged on 01.02.2023 by the informant, Shibal Yadav.

As per the prosecution story, the informant along with his friend Nitish Kumar were going to his house from Banka on a four wheeler. When the accused persons intercepted the vehicle and after assaulting Nitish Kumar by the ‘butt’ of pistol took away Rs. 20,000/ from the pocket as also the household articles. Accordingly, the FIR.

It is the case of the petitioner that he is not named in



the First Information Report and though he is in custody since 03/02/2023, no Test Identification Parade was conducted. Last submission is that similar placed co-accused namely, Soljer @ Sajan Kumar has been extended the privilege of bail vide order dated 07.07.2023 passed in Cr. Misc. No. 35910.

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

Taking into account the aforesaid submissions put forward by the learned counsel for the petitioner as also that he is in custody since 03.02.2023 (as stated in paragraph-4 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner 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 Chief Judicial Magistrate, Banka. in connection with Banka P.S. Case No. 57 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner 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 petitioner shall appear before the concerned police station every month for for next one year to mark his attendance;

(iv) the petitioner 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 his bail bonds;

(v) the petitioner 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)

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