

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52736 of 2023

Arising Out of PS. Case No.-506 Year-2018 Thana- MUFFASIL District- West Champaran

SANTOSH YADAV Son of Suresh Yadav Resident of village - Jaukatiya,
Ahir Toli, P.s. - Majhauilya, distt. - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

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

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 Bettiah (Muffasil) P.S. Case No. 506 of 2018 registered under Sections 420, 406, 379 and 34 of the Indian Penal Code and section 66 of the I.T. Act lodged on 19.09.2018 by the informant, Upendra Kumar.

As per the prosecution story, the allegation is that upon secret information that some persons are trying to withdraw the money from ATM of Bank of Baroda near a school, went there and caught two accused persons. He gave their name as Niraj Kumar and Amit Kumar, who confessed about their crime. They further confessed that are doing so for last ten years and gave the names of the accompish, the



petitioner being one of them. Accordingly, the FIR

Learned counsel for the petitioner submits that only because the petitioner has criminal antecedent, he has regularly been implicated in one or the other by the police and on that particular day, he was actually in Delhi. Further submission is that others have been granted bail.

Learned APP for the State opposes the prayer for bail stating that he has criminal antecedent of same nature and further the matter is of 2018 and he has to chosen to walk into judicial custody only on 01.06.2023.

This Court finds force in the submission of learned APP that he has delayed coming to the judicial custody thus affecting the trial. However, in view of the fact that the others have been granted bail, this Court is inclined to grant him privilege of bail after the framing of charge.

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, Bettiah, West Champaran in connection with Bettiah (Muffasil) P.S. Case No. 506 of 2018, 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 till the conclusion of the trial to mark 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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