

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53631 of 2023

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

Sanjay Yadav @ Sanjay Kumar Son Of Tuko Yadav Resident Of Village
Gajjoraydih, Police Station Chandan Anandpur, District Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023 Heard Mr. Ajay Mukherjee, learned counsel for the
petitioner and Mr. Ashok Kumar Singh, learned APP for the
State.

The petitioner is in judicial custody in connection
with Chandan (Anandpur) P.S. Case No.38 of 2023 instituted
under Sections 392,411 of the IPC lodged on 22.02.2023 by the
informant Amarjeet Kumar.

At the outset, learned counsel for the petitioner
submits that paragraphs 8 & 9 has been wrongly incorporated
and as such may be ignored.

As per the prosecution story, informant who is a field
staff of Bharat Financial Inclusion Limited alleged that after



collecting the amount, putting the same in dickey of the motorcycle went to Katoriya Branch. On the way, motorcycle borne accused persons came, hit on the motorcycle of the informant, as he failed down, took him to the forest and relieved him of his mobile. When he reached on the road, searched his motorcycle only to found the dickey broken and the amount as also the gazettes missing. Accordingly, the FIR.

It is the case of the petitioner that he was moving on the motorcycle had nothing to do with the occurrence, and the recovery is actually from his material uncle's home not from his conscious possession, has already suffered by being in custody since 24.02.2022 (para-4 of the petition) despite the fact that he has no criminal antecedent. The last submission is that the similar placed co-accused Naveen Kumar @ Naveen Yadav and Mukendra Yadav have since been granted bail in Cr. Misc. No.46531 of 2023 and Cr. Misc. No.48009 of 2023 respectively.

Let the same be kept on record.

Learned APP opposes the prayer for bail stating that there is recovery from his side and he has also confessed to the crime.

Considering the submissions put forward by the rival parties, his period of custody, he do not have criminal



antecedent and some of the accused persons have been granted bail, as stated above, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Chandan (Anandpur) P.S. Case No.38 of 2023 to the satisfaction of learned Chief Judicial Magistrate, Banka , subject to following conditions:

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

(iii) the petitioner shall appear before the concerned police station every month for for a year 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 the 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)

Prakash Narayan

U		T	
---	--	---	--

