

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53634 of 2023

Arising Out of PS. Case No.-1376 Year-2022 Thana- PHULWARISHARIF District- Patna

PRIYADARSHI YADAV @ DARSHAN YADAV @ PRIYADARSHI
KUMAR SON OF LATE ARUN RAI RESIDENT OF MOHALLA - NEAR
VISHAL MEGA MART, POLICE STATION - KANKARBAH, DISTRICT -
PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-08-2023

Heard the parties.

The petitioner is in custody in connection with
Phulwarisharif P.S. Case No. 1376 of 2022 for the offence under
section 395 of the Indian Penal Code lodged on 08.11.2022 by
the informant, Vikash Kumar.

As per the prosecution story, the petitioner entered
the shop and after putting pistol on his staff, took Rs. 25,000/-
as also cheque worth Rs. 10 lakhs besides the mobile phone.
Accordingly, the F.I.R.

Learned counsel for the petitioner submits that his
name has come in the confessional statement of Vikash Kumar,
there is no recovery from conscious possession nor any T.I.
parade conducted and he is in custody since 04.02.2023 (as



stated in paragraph 13 of the petition). He has been implicated only because he has criminal cases.

Learned APP opposes the prayer for bail stating that his name come in the confessional statement of Vikash Kumar.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also that there is no recovery from his conscious position, no T.I. parade has been conducted and is in custody since 04.02.2023, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM XIV cum Sub Judge XIV, Patna in connection with Phulwarisharif P.S. Case No. 1376 of 2022 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month for 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 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 his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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