

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56633 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- BAHERA District- Darbhanga

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Rakesh Kumar Yadav @ Rakesh Yadav @ Rakesh Kumar S/O Dukhharan
Yadav R/O Village- Kakarghati, Ps. Sadar, Dist. Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 30-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bahera P.S. Case No.228 of 2023 registered on 19.05.2023
lodged under Section 392 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against two unknown accused persons.

4. Counsel for the petitioner submits that petitioner
has not been named in the FIR. He submits that name of the
petitioner has been figured in this case by virtue of confessional
statement of the co-accused.

5. Counsel further submits that petitioner is innocent
and nothing incriminating has been recovered from his
possession nor he was put on T.I.P. He further submits that

petitioner is in custody since 02.06.2023 having clean antecedent. Counsel submits that the offence is Magisterial Triable.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Benipur, Darbhanga in connection with Bahera P.S. Case No.228 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 *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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or

promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

Ashishsingh/-

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