

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54780 of 2023

Arising Out of PS. Case No.-198 Year-2022 Thana- MANIHARI District- Katihar

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Bikash Yadav Son Of Uchit Yadav Resident Of Village- Dhuriyahi, Ps-
Manihari, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 25-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Manihari P.s. Case No.198 of 2022 instituted under Section 392 of the IPC lodged on 21.08.2022 by the informant Manjay Kumar.

As per the prosecution story, the informant was going to join his duty when the motorcycle borne accused persons intercepted and relieved him of his motorcycle mobile phone, ATM Card and other valuables. Accordingly, the FIR.

The name of the petitioner surfaced during CDR and looted phone was also recovered from him.

Learned counsel for the petitioner submits that police forced him to confess the time, remained in custody since 24.01.2023 and no TI parade conducted.

Learned APP opposes the prayer for bail stating that



he has criminal antecedent of same nature.

Considering the fact that he is in custody since 24.01.2023, no TI parade has been conducted till date, this Court is inclined to grant him privilege of bail but only after framing of charges in view of the fact that he has criminal antecedent, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail after framing of charges on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Manihari P.S. Case No.198 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Katihar, 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 fortnight for next six months 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

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