

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59270 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

KANHAIYA YADAV S/O AYODHYA YADAV R/O VILLAGE-
PAKHNARI, P.S- SHEOSAGAR, DISTT.- ROHTAS.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvnendra Kumar Thakur, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Kudra P.S. Case No. 176 of 2023 registered under Section 392 of the Indian Penal Code lodged on 22.05.2023 by the informant, Bipin Kumar Singh.

3. As per the prosecution story, the allegation is that while the informant along with his friend returning after shooting the marriage ceremony, motorcycle was intercepted and the accused looted video camera, mobiles, cash etc. Accordingly, the FIR.

4. It is the case of the petitioner that his name has come in the confessional statement of co-accused Rohit Kumar Sharma but nothing has been recovered from his conscious



possession and he is in custody since 15.06.2023 (as stated in paragraph-5 of the petition). Last submission is that he do not have criminal antecedent.

5. Learned APP opposes the prayer for stating that his name has come in the confessional statement.

6. Taking into account the submissions put forward by the parties as also that though his name come in the confessional statement, nothing has been recovered from his conscious possession and no Test Identification Parade was conducted and he do not have criminal antecedent, this Court is inclined to grant him privilege of bail.

7. 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 Judicial Magistrate 1st Class, Kaimur at Bhabhua in connection with Kudra P.S. Case No. 176 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/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 for next 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 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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