

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.60055 of 2022**

Arising Out of PS. Case No.-122 Year-2022 Thana- ANDHRAMATH District- Madhubani

Santosh Kumar Yadav, Son of Shiva Yadav, R/O Village- Ghoramohana, P.S.-  
Laukaha (Lal Maniya O.P.) District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mrs. Namrata Mishra, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      07-02-2023              Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mrs. Namrata Mishra, learned counsel for the petitioner and learned APP for the State.

At the outset, learned counsel for the petitioner submits that on account of inadvertence some wrong statement with regard to ownership of the motorcycle, in question, has been made in para.11 of the bail application and, as such, she is not pressing the same.

The petitioner seeks regular bail, who is in custody in connection with Andhramath P.S. Case No. 122 of 2022 registered for the offences punishable under Sections 170, 171, 419, 420, 484, 384, 379/34 of the Indian Penal Code.



The prosecution case is based on the written report of the informant alleging therein that on 25.07.2022 all the named accused persons arrived at the grocery shop of the informant claiming themselves to be the police personnel and made allegation against the informant that he is indulged in selling Ganja and thereafter took away Rs.17,000/- from the shop and one silver chain from the informant. It is further alleged that on the next day the informant and his wife saw all the accused persons, who were on a four wheeler (Maruti Swift Desire Car) and on a motorcycle, thereafter halla was raised and all of them were apprehended by the local people. It is further alleged that some incriminating materials, including the fake ID Card and one signboard displaying CID, have been recovered.

Learned counsel appearing on behalf of the petitioner submits that from the F.I.R. it is evident that the petitioner has not been identified as a person, who had come to the shop of the petitioner, and further there is no specific allegation against him with regard to taking away of Rs.17,000/- and the silver chain and moreover nothing incriminating material has been recovered from the conscious possession of the petitioner. She further submits that other co-accused persons, having similar allegation, have been allowed the privilege of bail by the



learned court below itself. She lastly submits that the petitioner is a man of fair antecedent and is in custody since 27.07.2022.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner was identified by the informant and apprehended by the local people.

Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons, having similar allegation, have been allowed the privilege of bail by the learned court below itself and so far the petitioner is concerned he is in custody since 27.07.2022 and the investigation of the crime is complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Vinit Kumar, Judicial Magistrate, 1st Class, Jhanjharpur, Madhubani in connection with Andhramath P.S. Case No.122 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or  
intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates  
without any cogent reason, his bail bonds will liable to be  
cancelled.

**(Harish Kumar, J)**

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