

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59487 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Gopal Yadav Son of Raghwendra Yadav Resident of Village- Manikppur, P.S.-
Gadhpura, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinit Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 07-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 394 and 397 of the Indian
Penal Code.

As per prosecution case, unknown miscreants entered
into the grocery shop of the informant and on the point of pistol
looted Rs. 75,000/- from his drawer and fled away.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired
during investigation on the basis of confessional statement of co-
accused namely Jitendra Kumar @ Jitu. He further submits that



no incriminating article has been recovered from the possession of the petitioner and till date no test identification was conducted by the prosecution. He further submits that co-accused namely Jitendra Kumar @ Jitu has been granted bail by a Coordinate Bench of this Court vide order dated 12.08.2022 in Cr. Misc. No. 26152 of 2022 and another co-accused namely Rakesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 18.08.2022 in Cr. Misc. No. 26427 of 2022 and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 23.06.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Cheriabariyarpur P.S. Case No. 12 of 2022, with the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient



reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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