

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59496 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- SARSI District- Purnia

Sadanand Yadav Son Of Yogi Yadav R/O Sarsi, Ward No. 13, P.S.- Sarsi,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhav Krishna, Advocate

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

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 392, 411 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, in brief, it is alleged by the informant Bablu Rishidev, who is a driver of Tata 407 Van that on 07.07.2022, he along with his owner Santosh Kumar after loading 180 bags Chuna containing 20 and 25 kilograms in each bag from Gulabbagh market proceeded from there to Saharsa and when they reached ahead from Sarsi Bazar then one person on a motorcycle from back and three persons riding on motorcycles from ahead of his vehicle tried to intercepted his vehicle then informant out of fear started to flee away from there by driving his vehicle in fast speed. During that course, one of the



miscreants shot fire from the fire arms then informant out of fear jumped from his vehicle and fled away from there. In the meantime, all miscreants captured the vehicle and took them towards Parasmani Road. Police with the help of informant and co-villagers started to chase the miscreants, who after leaving the vehicle succeeded to flee away from there. Informant found that the miscreants looted the sell price of maize of Rs. 1,04,000/- which was kept inside the Tripal.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits that no incriminating articles have been recovered from the possession of the petitioner and till date no test identification was conducted by the prosecution and only on the basis of suspicion the petitioner has been falsely implicated in the present case. He further submits that except suspicion, no other cogent material has come during investigation against the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 09.07.2022.

Learned APP for the State has opposed the prayer for bail of the petitioner.

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 Sarsi P.S. Case No. 143 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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