

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60474 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- SUPAUL District- Supaul

Rajesh Kumar Yadav @ Rajesh Yadav @ Rajesh Kumar, S/O Maheshwar
Yadav, R/O- Dumra Chowk, P.S. Nauhata, Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. M. K. Nirala, 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 Mr. Amresh Kumar Sinha, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Supaul P.S. Case No. 12 of 2022 registered for the offences punishable under Sections 394 and 411 of the Indian Penal Code.

The prosecution case is based on the written report of the informant alleging therein that on 04.01.2022 he after withdrawing a sum of Rs.20,000/- from Bank of India, Dumra was returning to his house, in the meantime, the petitioner met him and asked to expend some money and thereafter both came



to different place where co-accused Md. Akbar was present and he assaulted the informant and took out Rs.20,000/- from his pocket and also snatched the motorcycle and fled away.

Learned counsel appearing on behalf of the petitioner submits that so far the allegation of snatching and assault is concerned, the same is levelled against Md. Akbar, however, only on account of the fact that the petitioner had asked to expend some money, he has been made accused in this case. He next submits that in fact there was some dispute with the co-accused persons and the informant, which resulted into lodging of the F.I.R., but subsequently both the parties have resolved the dispute and the informant does not want to pursue the matter any further. He next submits that the petitioner though is found involved in three other criminal cases, but he is on bail in all the cases. He lastly submits that the petitioner is in custody since 06.01.2022.

On the other hand, learned APP for the State opposes the bail application and submits that the case is not compoundable and, as such, any compromise between the parties has no effect.

Having regard to the submissions made on behalf of the parties and considering the nature of allegation and period of



custody, coupled with the fact that the informant does not want to pursue the matter, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 12 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.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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