

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63191 of 2022

Arising Out of PS. Case No.-201 Year-2021 Thana- JALALGARH District- Purnia

SHANKAR YADAV @ TAKALA @ SHANKAR KUMAR YADAV @
SHANKAR KUMAR S/O SANJAY KUMAR YADAV Resident of village-
Baisa Sima, P.S.- Jalagarh, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 395 and 397 of the Indian
Penal Code.

According to prosecution case, while the informant
along with his co-driver proceeded from Guwahati for Gurgaon
by truck bearing registration no. HR-J5AB/3650, four unknown
miscreants captured him on the point of firearms and looted away
all the articles loaded in the truck.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



petitioner is not named in the F.I.R. His name has been transpired during investigation on the basis of confessional statement of co-accused namely, Roopesh Yadav @ Raushan Yadav. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that co-accused, namely, Chandan Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 11.07.2022 passed in Cr. Misc. No. 17233 of 2022. The police after investigation submitted charge sheet against the petitioner. The petitioner is in custody since 18.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Jalagarh P.S. Case No. 201/2021, corresponding to S. Tr. No. 341/2022, subject to 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 witnesses, 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 antecedent, 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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