

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 61702 of 2022**

Arising Out of PS. Case No.-356 Year-2021 Thana- RAGHOPUR District- Supaul

RAJENDRA YADAV SON OF SUKHDEV YADAV R/O VILL.- RAM
BISHANPUR, DAHIPORI, P.S.- RAGHOPUR, DISTT.- SUPAUL

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Arun, Advocate

For the Opposite Party/s : Mr Prem Kumar Jha, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 02-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Raghopur Police Station (for brevity, **PS**) Case No 356 of 2021 registered for the offence punishable under Sections 457, 380 of Indian Penal Code.

From the informant's locked trunk and almirah, Rs 1,00,000/- cash, ornaments and one Redmi mobile phone have been taken away by unknown persons after breaking it open.

Learned counsel for the petitioner submits that on account of his antecedents founded on 9 earlier false cases, the petitioner has been dragged in this case by alleging that stolen mobile phone has been recovered from him whereas the allegation is belied by the seizure memo which clearly records the mobile phone recovered from the petitioner to be of a different make (vivo). Otherwise, there is no incriminating material against the petitioner. The petitioner is not named in the First Information Report (for brevity, **FIR**). He is on bail in the cases, as per disclosure made in paragraph 3 of the petition. In the instant case, he is in custody since 05.04.2022.



Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody, submissions with reference to the FIR, seizure memo as well as the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate I, Birpur, Supaul in Raghopur PS Case No 356 of 2021 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

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