

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1215 of 2022

Arising Out of PS. Case No.-125 Year-2021 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

Hira Yadav S/O Laxman Yadav R/o village- Chandisthan, Jamhara, P.S.-
Sonbarsa Raj, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha
For the Opposite Party/s : Mr. Rajendra Nath Jha

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 17-01-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Sahebpur Kamal P.S. Case No. 125 of 2021, registered for

the offences punishable under Section 392 of the Indian

Penal Code.

The prosecution case as emerges from the FIR is

that four accused persons on the point of pistol looted the

amount of Rs. 84000/- in cash, a gold chain and a mobile

phone from the informant.

Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this



case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that petitioner is not named in the FIR and FIR has been lodged against unknown persons. He further submits that no TIP has yet been conducted. He also submits that similarly situated other co-accused persons, namely, Brajesh Kumar and Raj Kumar have already been enlarged on bail by different Benches of this Court vide order dated 11.04.2022 and 06.07.2022, passed in Cr. Misc. No. 60729 of 2021 and 8699 of 2022 respectively.

He further submits that the petitioner has been languishing in jail since 10.09.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in eleven other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the present case.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, this application is allowed, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Begusarai in connection with Sahebpur Kamal P.S. Case No. 125 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than



the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

uttam/-

U		T	
---	--	---	--

