

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64633 of 2022

Arising Out of PS. Case No.-387 Year-2022 Thana- MAJHAULIA District- West Champaran

MURARI YADAV @ MURARI KUMAR S/O Sunil Yadav R/O Village-
Bakharia Chowk, Ward No-14, P.S- Majhauria, District- West Champaran
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74791 of 2022

Arising Out of PS. Case No.-387 Year-2022 Thana- MAJHAULIA District- West Champaran

PRAMOD KUMAR @ PRAMOD YADAV SON OF DHRUP YADAV R/O
VILLAGE- JAUKATIYA AHIR TOLI, P.S.- MAJHAULIYA, DISTRICT-
WEST CHAMPARAN
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1457 of 2023

Arising Out of PS. Case No.-387 Year-2022 Thana- MAJHAULIA District- West Champaran

TUNNA KUMAR @ TUNNA YADAV SON OF CHANDRIKA YADAV R/O
VILLAGE- BAKHARIYA AHIR TOLA, P.S.- MAJHAULIYA, DISTRICT-
WEST CHAMPARAN
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64633 of 2022)

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr. Braj Kishore Pd., APP

(In CRIMINAL MISCELLANEOUS No. 74791 of 2022)

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Adv.

Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

(In CRIMINAL MISCELLANEOUS No. 1457 of 2023)

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER



Additional Public Prosecutor for the State.

Petitioners seek bail in a case registered for the offences punishable under Sections 399, 400, 401, 402, 403, 411, 413, 414, 419, 420, 467, 468, 471, 472, 379, 120B of the I.P.C and Sections 66/66(c), I.T. Act.

According to prosecution case, there is involvement of the petitioners along with other accused persons in commission of theft of several ATM cards, Android mobile, Pan cards, Aadhar Card, passbooks and other articles as mentioned in the F.I.R.

Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence and they have falsely been implicated in the present case only on the basis of suspicion. He further submits that from bare perusal of the F.I.R., it transpires that the co-accused persons, namely, Prakash Kumar and Brij Kishor Kumar have been apprehended with some articles. He further submits that the petitioners were neither arrested from the spot and nothing has been recovered from the possession of the petitioners and the petitioners were not associated with the other co-accused persons and the co-accused person namely, Prakash Kumar has been granted bail vide order dated 17.02.2023 passed in Cr. Misc. No. 63574 of



2022, Co-accused namely, Alok Kumar @ Alok Kumar Yadav has been granted bail vide order dated 06.02.2023 passed in Cr. Misc. No. 64953 of 2022 and the police after investigation submitted the charge sheet against the petitioners. The petitioner no.1, namely, Murari Yadav @ Murari Kumar is in custody since 17.06.2022, the petitioner no.2 namely, Tunna Kumar @ Tunna Yadav is in custody since 28.09.2022 and the petitioner no.3, namely, Pramod Kumar @ Pramod Yadav is in custody since 09.09.2022.

The learned Additional Public Prosecutor for the State on the other hand, vehemently opposed the prayer of bail of the petitioners submitting that the petitioner no.1, namely Murari Yadav @ Murari Kumar and petitioner no.2 namely, Tunna Kumar @ Tunna Yadav, each carrying one criminal antecedent other than the present one and the petitioner no.3 namely, Pramod Kumar @ Pramod Yadav carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below, where the case is



pending, in connection with Majhauria P.S. Case No.387/2022,
subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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