

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66393 of 2022

Arising Out of PS. Case No.-9 Year-2017 Thana- MOKAMAH District- Patna

SAMAULI KUMAR Son of Sato Yadav R/v- Dargahi Tola, Lemuabad, P.S.-
Pandarak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anjana, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-03-2023 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 Section 395 of the Indian Penal
Code.

Prosecution case, in brief, is that the informant,
namely Rajiv Yadav has stated in his fardebayan that the driver
of TATA 407 Truck bearing Reg. No. BR07G-9568 and on
30.01.2017 at 05:00 PM, he went to Biharsarif by his said Truck
for loading of rice from Pawapuri rice Mill and after loading of
225 bags of 25Kg rice upon said truck, he along with his co-
villager Tej Narayan Yadav proceeded to Jhajhar at 7:00 PM and
in the way a pick up Van overtook his vehicle and stopped it in
front of his vehicle and 7-8 unknown accused persons



overpowered the informant and his handicapped co-villager and looted rupees 1,700/- cash, Golden Hanumani and mobile phone and thereafter, accused persons took in the informant and his co-villager in their pick-up Van and after some time, accused persons threw them near the side of the road and fled away with looted Tata 407 of informant along with loaded rice. Next day informant with help of villagers came in police station and lodged this F.I.R.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation he has been remanded in the present case from Mokama P.S.- Case No. 214 of 2016 on 24.09.2022. He further submits that nothing has been recovered from the conscious possession of petitioner and the truck in question has already been recovered from the road side and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 24.09.2022.

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



the ground that petitioner carries one criminal antecedent other than the present one.

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 Mokama P.S. Case No. 09 of 2017, 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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