

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67746 of 2022

Arising Out of PS. Case No.-36 Year-2022 Thana- KUMAR KHAND District- Madhepura

VIMAL YADAV @ BIMLESH YADAV SON OF RAMENDRA PRASAD
YADAV R/O VILLAGE- RAMPATTI, P.S.- KUMARKHAND, DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Vishoka Nand, Advocate
For the Opposite Party/s : Mr. Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with
Kumarkhand P.S. Case No. 36 of 2022 for the offence registered
under Section 395 of the Indian Penal Code lodged on
20.01.2022 by the informant, Chandan Kumar Thakur.

The prosecution case as per the informant is that on
20/01/22, he was alone working in the Gramin Bank,
Kumarkhand and all the other staffs went for field working. At
about 11:30 AM, five miscreants entered the bank and then on
gun point, looted cash worth Rs. 44,000/- from the cash counter
and Rs. 8,81,741/- from the safe. They also took away
informant's mobile and fled away with looted cash. It is alleged
that the accused persons came in the bank by two motorcycles
of which the one motorcycle was affixed with number plate



having number BR 43 S 2230. It is alleged that all the miscreants were young aged.

Learned counsel for the petitioner submits that although he is in custody since 12.02.2022 (as stated in paragraph-9 of the bail application), nothing incriminating has been recovered from his possession nor any T.I. Parade has been done and further he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that it is a case of section 395 of the Indian Penal Code.

Considering the fact that despite the petitioner being in custody since 12.02.2022, being more than one year, no T.I.Parade had been made and as per the statement made in the petition, nothing recovered from his conscious possession and further he do not have criminal antecedent, this Court is inclined to extend him privilege of bail with conditions. However, if it is found that the petitioner do have criminal antecedent, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of Additional Chief Magistrate-II, Madhepura in connection with Kumarkhand P.S.



Case No. 36 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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