

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67753 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MURAR District- Buxar

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VINOD KUMAR SON OF HIRDAYA YADAV @ HIRDAYA NAND
YADAV R/O VILLAGE- MANPA, P.S.- MURAR, DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 68605 of 2022

Arising Out of PS. Case No.-80 Year-2021 Thana- MURAR District- Buxar

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SADHU YADAV @ RAJLAL YADAV @ DHARMENDRA KUMAR @
DHODHA YADAV S/o Ram Narain Yadav @ Rajbalam Yadav @ Raj Balam
Singh R/o Village- Sheopur, Tola Konai, P.S.- Dhangai, Distt- Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 67753 of 2022)

For the Petitioner/s : Mr.Sanjay Kumar, Advocate

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

(In CRIMINAL MISCELLANEOUS No. 68605 of 2022)

For the Petitioner/s : Mr.Rama Kant Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-05-2023 Heard learned counsel for the petitioners and the
learned A.P.P. for the State in both the applications.

The petitioners seek bail in connection with Murar
P.S.Case No.80 of 2021, F.I.R. dated 14.08.2021 registered for
the offence punishable under Section 394 of the Indian Penal
Code.



The prosecution case is that unknown miscreants assaulted the informant and snatched his bag containing Rs. 1,73,805/-. The name of the petitioners came up as accused during investigation.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. Petitioners are not named in the FIR. The name of the petitioners have been transpired during investigation on the basis of the confessional statement of the co-accused persons, namely, Ramesh Kumar Singh and Ranjay Kumar Singh @ Budha Singh. Learned counsel for the petitioners submits that nothing has been recovered from conscious possession of petitioner-Vinod Kumar and one motorcycle and some article have been recovered from cattle yard of petitioner-Sadhu Yadav @ Rajlal Yadav @ Dharmendra Kumar @ Dhodha Yadav. Further submits that the same motorcycle was used in the crime in question but till date no TIP has been conducted by the prosecution and except the confessional statement of the co-accused persons, namely, Ramesh Kumar Singh and Ranjay Kumar Singh @ Budha Singh, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence and the



police, after investigation, submitted chargesheet against both the petitioners and petitioner-Vinod Kumar is in custody since 09.02.2022 and petitioner- Sadhu Yadav @ Rajlal Yadav @ Dharmendra Kumar @ Dhodha Yadav is in custody since 02.06.2022 respectively.

Learned APP for the State has vehemently opposed the prayer for bail of both the petitioners and submits that both the petitioners carry two more cases other than the present one.

Considering the aforesaid fact, 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 learned Judicial Magistrate-1st Class, Buxar in connection with Murar P.S.Case No.80 of 2021, with 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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