

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73012 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- ASHTHAWAN District- Nalanda

SHRAWAN YADAV @ BARAHIL SON OF LATE CHANDAR YADAV
RESIDENT OF VILLAGE - ASTHAWAN, P.S. - ASTHAWAN, DISTRICT -
NALANDA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-11-2023 Heard Mr. Sudhir Kumar, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner is an accused in connection with
S.T. No. 504 of 2023 arising out of Asthawan P.S. Case No. 12
of 2023 registered for the offences under section 395 of the
Indian Penal Code lodged on 09.01.2023 by the informant,
Guddu Kumar.

3. As per the prosecution story, the accused persons
entered the house of the informant and after tying the couple,
took away around Rs. 5,50,000/- cash and some other items.
Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that his
name has come in the confessional statement of Md. Arif though
nothing has been recovered from his possession.



5. Further, similar situate Gopal Yadav @ Gopal Kumar as also Arif @ Md. Arif @ Jhunnu @ Tipu Sultan @ Abhishek (on whose confession his name came up) have been granted bail by co-ordinate benches vide Cr. Misc. No. 50701 of 2023 and Cr. Misc. No. 61994 of 2023 respectively.

6. Learned APP for the State, on the other hand, opposes the prayer for bail stating that there is allegation of dacoity against this petitioner and he is also having criminal antecedent.

7. Taking into account the fact that his name has come in the confessional statement of Md. Arif who has been granted bail, nothing has been recovered from his conscious possession and is in custody since 27.02.2023 (as stated in paragraph 12 of the bail application), this Court is inclined to extend him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional District and Sessions Judge-III, Bihar Sharif, Nalanda in connection with S.T. No. 504 of 2023 arising out of Asthawan P.S. Case No. 12 of 2023, 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 his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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