

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73919 of 2023

Arising Out of PS. Case No.-228 Year-2023 Thana- BAHERA District- Darbhanga

VIJAY KUMAR YADAV @ VIJAY KR. YADAV S/O KALESHWAR
YADAV R/O VILLAGE- KAKARGHATTI, P.S- SADAR, DISTT.-
DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra
For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Bahera P.S. Case No. 228 of 2023 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

3. As per prosecution case, two persons on one
motorcycle stopped the pick-up van bearing registration no. BR
07 GB 7619 and at the point of pistol, both miscreants snatched
the bag containing Rs. 8-9 lakhs alongwith mobiles of driver,
Rakesh kumar and staff, Dilip Kumar and fled away by making
fire in the air.

4. Learned counsel for the petitioner submits that
petitioner is not named in F.I.R. and the name of the petitioner



has been transpired in this case upon the confessional statement of co-accused Binod Yadav. He further submits that upon the confessional statement of said co-accused, name of Rakesh Kumar Yadav has also surfaced, who has already been granted bail by the co-ordinate Bench of this of this Court vide Cr. Misc. No. 56633 of 2023 and the case of present petitioner stands on similar footing. No T.I.P. has been conducted up till now. He further submits that there is alleged recovery of Rs. 5300/- in cash and Red MI mobile bearing sim no. 7808587730 which does not tally with the mobile no. as mentioned in F.I.R. In this way, nothing has been recovered from the conscious possession of the petitioner. Except confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Petitioner is in custody since 02.06.2023 and beards no criminal antecedent. He further orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, keeping in view clean antecedent of petitioner, argument



advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate-I, Benipur, Darbhanga in connection with Bahera P.S. Case No. 228 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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