

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75163 of 2022

Arising Out of PS. Case No.-865 Year-2021 Thana- BANKA District- Banka

Arvind Yadav @ Arvind Kumar Yadav Son Of Chano Yadav Resident Of
Village- Dumrama, Police Station- Amarpur, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.01.2022 in connection with Banka P.S. Case No. 865 of
2021, F.I.R. dated 02.11.2021 for the offences punishable under
Sections 392 and 411 of the Indian Penal Code.

According to prosecution case, in brief is that on
01.11.2021, informant was obstructed in his way by three
miscreants rided on two motorcycle while he was going to his
home after closing the shop situated at Shivaji Chowk. It is
further alleged that one of the miscreant kept pistol on his head
and began to abuse. Thereafter, petitioner and others looted the
bag of informant in which Rs.80,000/- cash, driving licence, Mi
Note-4 mobile inserted SIM No. 8235224638 was kept.

Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Sattan Kumar Mandal. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution and except the confessional statement of co-accused namely, Sattan Kumar Mandal no other cogent material has come to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 22.01.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, as well as period of custody, 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 Chief Judicial Magistrate,



Banka/Successor Court, Banka in connection with Banka P.S.

Case No. 865 of 2021, 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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