

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73575 of 2022

Arising Out of PS. Case No.-50 Year-2019 Thana- MAIGRA District- Gaya

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SUDHIR YADAV S/O RAMESHWAR YADAV Resident of village-
Navrfatanpur, P.S.- Pratappur, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Rajiv Nayan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Maigra P.S.
Case No. 50 of 2019 registered for the offence under Sections 392
of the Indian Penal Code.

The case relates to commission of loot of Hywa Truc
bearing Registration No. JH035-4838 on the point of gun.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on
the basis of confessional statement of the co-accused, Bhola
Yadav and Gautam Kumar. In fact, nothing incriminating has been
recovered from the conscious possession of the petitioner nor the



petitioner has been put on T.I.P. by the prosecution as yet. Moreover, the co-accused, namely, Bhola Yadav @ Amarjeet Yadav @ Baba @ Gurujee and Gautam Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 16.04.2021 and 24.09.2020 passed in Cr. Misc. No. 5470 of 2021 and Cr. Misc. No. 24818 of 2020, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 18.05.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned J.M.-1st Class, Sherghati (Gaya) in connection with Maigra P.S. Case No. 50 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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