

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1271 of 2023

Arising Out of PS. Case No.-205 Year-2022 Thana- BARHARA KOTHI District- Purnia

BRAJESH YADAV Son of Ravindra Yadav @ Ravindra Prasad Yadav
Resident of Village- Mouzam- Patti, P.S.- Barhara (Raghubansh Nagar),
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Kumar, Adv.
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
07.10.2022, in connection with Barhara (Raghubansh Nagar)
P.S. Case No. 205/2022, F.I.R. dated 16.05.2022, for the offence
punishable under Section 392 of the Indian Penal Code and
Section 27 of the Arms Act.

According to prosecution case, the petitioner along
with other co-accused persons on the point of pistol snatched
silver chain mobile phone and motorcycle of the informant and
fled away.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that the petitioner is named in the F.I.R. but nothing incriminating article has been recovered from possession of the petitioner rather the recovery has been made from the possession of co-accused namely, Monu Kumar Thakur. He further submits that the allegation as alleged in the F.I.R. against the petitioner is false and fabricated and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 07.10.2022.

The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 CJM, Purnea, in connection with Barhara (Raghubansh Nagar) P.S. Case No. 205/2022, 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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