

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74393 of 2022**

Arising Out of PS. Case No.-518 Year-2022 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

ANAND YADAV @ ANAND KUMAR YADAV S/o Subhash Yadav R/v-
Gonar Lal Lane Jogsar, P.S.- Jogsar District- Bhagalpur... .. Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 13-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
12.07.2022 in connection with Kotwali (Tilakmanjhi) P.S. Case
No. 518 of 2022, F.I.R. dated 24.06.2022 registered for the
offence punishable under Section 392 of the Indian Penal Code
but the police, after investigation, submitted chargesheet against
the petitioner under Sections 392,395,412 of IPC and Sections
25(1-b)a, 26,35 of the Arms Act.

As per allegation in the FIR, when the informant was
in the way, he was stopped by the miscreants, who were having
arms and snatched his bag containing 29.522 gm. silver and fled
away.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present



case. Further submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of co-accused, namely, Md. Saddam. Further submits that nothing has been recovered from conscious possession of the petitioner rather the recovery has been made from co-accused persons, namely, Md. Saddam and Md. Shahnawaz Ali @ Sunni Khatal and till date no TIP has been conducted by the prosecution and co-accused, namely, Md. Shahnawaz Ali @ Sunni Khatal has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 20.02.2023 passed in Cr. Misc. No. 59050 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 12.07.2022.

Learned APP for the State, on other other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries six more cases other than the present one but fairly submits that the petitioner is on bail in all the cases as mentioned in para-3 of the bail petition.

Considering the aforesaid fact, 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 learned Chief Judicial Magistrate,



Bhagalpur in connection with Kotwali (Tilakmanjhi) P.S. Case No. 518 of 2022, 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 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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