

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5686 of 2023

Arising Out of PS. Case No.-107 Year-2021 Thana- INDUSTRIAL District- Bhagalpur

MESHKAR YADAV @ MESHTAR YADAV Son of Anil Yadav Resident of
village - Choudritola, P.S.- Lodipur, Distt.- Bhagalpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
22.07.2022 in connection with Industrial Area P.S. Case
No.107/2021, F.I.R. dated 08.08.2021, for the offences
punishable under Sections 395, 323 of the IPC.

According to prosecution case, while the informant
was at his jewellery shop with his staff, in the meantime, 7-8
unknown persons entered into his shop and captured the
informant and his staff and with a view to loot, they were
searching jewellery and when they were objected by his staff,
the accused persons assaulted the informant and his staff and
when the mob started gathering, they ran away leaving behind
one pistol, one cartridge, rope, syringes, medicine etc.

Learned counsel for the petitioner submits that



petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired during investigation on the confessional statement of the co-accused, namely, Ram Kuber Sharma. He further submits that nothing has been recovered from conscious possession of the petitioner and except the confessional statement of the co-accused, no other cogent material has come during investigation 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 custody since 22.07.2022.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries four. criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in all the four cases.

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 Additional



District and Sessions Judge-XIV, Bhagalpur in connection with Industrial Area P.S. Case No. 107/2021, 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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