

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3236 of 2023

Arising Out of PS. Case No.-49 Year-2022 Thana- HASPURA District- Aurangabad

MAHABIR YADAV S/o Late Ram Bilash Yadav Resident Of Village-
Bhagwan Bigha, P.S.- Daudnagar, Distt- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
18.05.2022 in connection with Haspura P.S. Case No. 49 of
2022, F.I.R. dated 24.02.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, in brief, is that on
24.02.2022 the informant was going Daudnagar with his tempo
to bring newspapers. At about 1.15 A.M. at Ahiyarpur More a
branch of tree was on midway of road. On viewing it informant
stopped his tempo and snatched Rs.3500/- and his mobile set on
gun point.

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 on the basis of confessional statement of co-accused namely, Rajendra Prasad. 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 Rajendra Prasad, 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 judicial custody since 18.05.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedent other than the present one but fairly submits that petitioner is on bail in two cases as mentioned in Para-3 of the bail petition.

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 S.D.J.M. Daudnagar, Aurangabad in connection with Haspura P.S. Case No. 49 of 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)

mdrashid/-

U		T	
---	--	---	--

