

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79614 of 2023

Arising Out of PS. Case No.-176 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

Vijendra Yadav S/O Dadan Singh R/O Village- Khodeyan @ Khodiyar, P.O-
Ararua, P.S- Kargahar, Distt.- Rohtas (SASARAM).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhash
For the Opposite Party/s : Mr.Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kudra P.S. Case No. 176/2023 registered for the offences punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, on 22.05.2023 in the midnight the informant alongwith his friends was returning after completing video recording in a marriage ceremony and when they reached at over-bridge at Lalapur, two miscreants on motorcycle stopped them and on the point of Katta miscreants snatched Vivo mobile, purse and ATM card from the informant. The miscreants also snatched purse and ATM cards from Deepak Kumar Pal. It is further alleged that two other miscreants also came there and on the point of pistol they also



looted the videography camera, Vivo company mobile and purse alongwith Apache motorcycle. FIR has been lodged against unknown miscreants.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of present petitioner surfaced in this case on the basis of confessional statement of co-accused Kanhaiya Yadav. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 15.06.2023 and bears criminal antecedent of two cases in which he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has not been put on T.I. Parade till date. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Kanhaiya Yadav upon whose confessional statement the name of petitioner has been transpired in this case, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.59270/2023 and the case of present petitioner stands



on better footing as stated above.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Mohania, District-Kaimur at Bhabua in connection with Kudra P.S. Case No. 176/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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