

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.879 of 2023

Arising Out of PS. Case No.-398 Year-2022 Thana- RAJGIR District- Nalanda

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Saheb Kumar @ Saheb Yadav, Son of Madan Yadav, Resident of Village -
Navi Nagar, P.S.- Deep Nagar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar No.1, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 05-04-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of four weeks from today.

Heard Mr. Anil Kumar No. 1, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

The petitioner seeks regular bail, who is in custody in
connection with Rajgir P.S. Case No. 398 of 2022 registered for
the offence punishable under Section 392 of the Indian Penal
Code.

Allegedly, while the informant was going to his house
from scooty carrying two lakhs cash and a laptop in his bag, in
the meanwhile, four of the miscreants coming on two
motorcycles, overtook his scooty and snatched the bag



containing rupees two lakhs and other valuables.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it is evident that the same has been instituted against unknown miscreants, however, during the course of investigation two persons, namely, Jitendra Kumar and Kundan Kumar were arrested and thereafter their confessional statement were recorded by the police and the name of the petitioner sprung up on the confessional statement. He next submits that save and except the confessional statement, there is no material suggesting the involvement of the petitioner, apart from the fact that neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered from his possession. He next submits that the false implication of the petitioner is on account of his previous antecedent, as besides the present case, the petitioner is found involve in two other criminal cases as has been mentioned in paragraph no. 3 of the application. He next submits that the petitioner has been remanded in this case on 03.09.2022 and now the charge-sheet has been submitted and as such there is no chance of his absconding and tampering with the evidence.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



petitioner is a habitual criminal and his name has transpired on the confessional statement of co-accused person.

Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement, there is no other material and till date neither the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered from his possession, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Rajgir P.S. Case No. 398 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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