

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6134 of 2024

Arising Out of PS. Case No.-112 Year-2023 Thana- KATIHAR MUFFASIL District- Katihar

Neeraj Yadav @ Neeraj Kumar Yadav S/O- Ramdev Yadav, R/O village -
Rani Patara, Sarvodaya Ashram, Chandi, P.S.- Muffasil, Distt.- Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr. Sanjeev Kumar Singh, the learned
counsel for the petitioner and Mr. Manoj Kumar, the learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Katihar Muffasil PS Case No. 112 of 2023, FIR
dated 01.06.2023, registered for the offences punishable under
Sections 379, 411 and 414 of the Indian Penal Code.

3. According to prosecution case, the truck of the
informant, which was loaded with maize crops was stolen by
some unknown persons.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that petitioner
is not named in the FIR and his name has transpired on the basis



of confessional statement of the co-accused person namely, Md. Chand Alam. He further submits that nothing has been recovered from the house of the petitioner and except the confessional statement of the co-accused person no other material has come during investigation which suggests the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, he is not named in the FIR and name of petitioner has been transpired on the basis of the confessional statement of the co-accused person, let the petitioner, above-named, in the event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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 Chief Judicial Magistrate, Katihar, where the case is pending in connection with **Katihar Muffasil PS Case No. 112 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:



(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court 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 trial Court 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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