

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25484 of 2024

Arising out of PS. Case No.-208 Year-2022 Thana- JHAJHA District- Jamui

=====

Guddu Kumar Yadav Son of Ramdev Yadav Resident of Village- Mohanpur,
P.S.- Laxmipur, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s: Mr. Uma Shankar Prasad Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

4 05-07-2024 Petitioner has sought for regular bail under Section 439 and 440 of the Code of Criminal Procedure. He is alleged to have involved in Jhaha P.S. Case No. 208 of 2022 for the offence under Section 392 of Indian Penal Code pending in the Court of Chief Judicial Magistrate, Jamui. Informant-Sreekant Kumar gave a complaint against unknown miscreants who were stated to have looted informant mobile phone, cash bag containing cash amount of Rs. 98,650/-, Bio-metric machine. Petitioner is in custody since 08.12.2023. Learned counsel for the petitioner submitted that co-accused Chhoti Yadav has been granted bail *vide* order dated 09.12.2022 passed in Cr. Misc. No. 52869 of 2022 (Annexure-2). After filing of charge-sheet, evidence of



the witnesses have not commenced, despite lapse of two years. *Prima facie*, respondents have not taken any initiative to commence the trial after filing of charge-sheet. On the other hand, they are opposing the bail with reference to the fact that one mobile no. 9693991371 which was found active at the same location on the date of occurrence on 03.06.2022 between 12 to 1.23 P.M., thereafter, it was verified and suspecting the aforementioned number was registered in the name of the petitioner. Similarly, CCTV footage has been procured by Investigating Officer and informant has identified two miscreants and such identification suffice in not granting bail to the petitioner.

2. Heard learned counsel for the respective parties.

3. There is no progress in the trial even though matter is pending consideration for the last about two years. Co-accused, Chhoti Yadav has been granted bail *vide* order dated 09.12.2022 passed in Cr. Misc. No. 52869 of 2022 (Annexure-2). Further, in paras 5 and 6 of the counter affidavit filed on behalf of the Deputy Superintendent of Police, H.Q. Jamui, is only on suspicious ground and the same cannot be examined at the stage of granting bail. Therefore, the petitioner has made out a case for granting bail.

4. In the light of these facts and circumstances, peti-



tioner has made out *prima facie* case for grant of regular bail. Accordingly, bail application is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jhajha P.S. Case No. 208 of 2022, subject to following conditions:-

(i) The petitioner shall co-operate in investigation and in conclusion of the trial.

(ii) He shall remain present on each and every date of trial till conclusion of trial.

(iii) He shall not try to tamper with the evidence or intimidate the witness to delay the conclusion of trial.

(iv) In the event of default of two consecutive dates without any valid reasons, his bail bonds is liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in the case, at any stage, it is found that petitioner had concealed his criminal antecedent, the court below or investigating authority shall take immediate step for cancelling bail bond of the petitioner. However, acceptance of bail bonds, in terms of the aforementioned order shall not be



delayed for this purpose or in the name of verification.

(P. B. Bajanthri, J)

Vikash/-

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

