

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74012 of 2023

Arising Out of PS. Case No.-235 Year-2022 Thana- MAIRWAN District- Siwan

Sumit Kuamr Yadav Son Of Babu Nand Yadav R/O Village- Gora, P.S.-
Bankata, District- Deoria (U.P.)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 29-02-2024 Heard Mr. Anil Chandra, learned counsel for the

petitioner and Mr. Mritunjay Kumar Nirala, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mairwa P.S. Case No. 235 of 2022, F.I.R. dated 10.06.2022 for the offences punishable under Section 395 of the Indian Penal Code.

3. According to prosecution case, six accused persons armed with weapon entered into the Bank and on the point of pistol they looted Rs. 2,80,410/- from the cash counter and fled away.

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 the



allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the confessional statement of suspicion that the petitioner was present near the place of occurrence and except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence.

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

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and the petitioner is not named in the F.I.R and his name has been transpired on the basis of suspicion, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Additional Chief Judicial Magistrate VII, Siwan, District- Siwan in connection with Mairwa P.S. Case No. 235 of 2022, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and with other following conditions:-

i. 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.

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 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)

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