

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75963 of 2023

Arising Out of PS. Case No.-212 Year-2022 Thana- LAUKAHA District- Madhubani

Baiju Kumar Yadav @ Baiju Yadav S/O Jay Prakash Yadav Village- Narar,
Ps. Kaluahi, Dist.Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2024 Heard Mr. Subhash Kumar Jha, learned counsel for
the petitioner and Mr. Md. Aslam Ansari, learned Additional
Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
19.11.2022 in connection with Laukaha P.S. Case No. 212 of
2022, F.I.R. dated 01.08.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

3. Earlier the bail application of the petitioner was
allowed to be withdrawn vide order dated 15.09.2023 passed in
Cr. Misc. No. 47987 of 2023.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. 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 the co-accused, namely, Kuldeep Yadav and no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Kuldeep Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 01.05.2023 passed in Cr. Misc. No. 6781 of 2023 and another co-accused, namely, Sudrist Kumar has been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 09.05.2023 passed in Cr. Misc. No. 5868 of 2023. The petitioner is in custody since 19.11.2022.

5. Vide order dated 05.01.2024 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 29.01.2024 reveals that the charge has been framed against the accused persons but the prosecution has not produced any witnesses as yet and the case is pending for the examination of the prosecution witnesses.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in custody since 19.11.2022. He further submits that the other accused persons have been granted bail by this Hon'ble Court.



7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 16 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the 16 cases.

8. Considering the report of the learned Trial Court, let the petitioner, above named, 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 Sub Divisional Judicial Magistrate, Jhanjharpur, District- Madhubani in connection with Laukaha P.S. Case No. 212 of 2022, subject to the 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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