

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83307 of 2023

Arising Out of PS. Case No.-408 Year-2023 Thana- RAJGIR District- Nalanda

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BIRENDRA @ BIRU YADAV Son of Indradeo Yadav R/o vill - Naulakha
Mandir, P.s. - Rajgir, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivnandan Singh, Advocate

For the Opposite Party/s : Mr. Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 07-03-2024 Heard Mr. Shivnandan Singh, learned Senior counsel

appearing on behalf of the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Rajgir P.S. Case No. 408 of 2023 for the offence under Sections 379 and 414 of the I.P.C. lodged on 11.08.2023 by the informant, Santosh Kumar.

3. As per the prosecution story, the police alleged that during the Malmas Mela at Rajgir an accused was caught having stolen a mobile phone. He was taken into custody and upon inquiry, he disclosed that he is a member of a group which is led by this petitioner. Accordingly, the FIR.

4. Learned Senior counsel for the petitioner submits that neither anything recovered/seized from his possession or from his house nor he was on the spot, merely because a theft took place and an accused named him, he has been implicated. Learned Senior counsel further submits that he is ready to cooperate in the investigation and diligently appear in trial.



Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submit that he is ready to pay Rs. 5,000/- to the Chief Minister's Relief Fund.

5. Learned APP opposes the prayer stating that he has criminal antecedent.

6. Taking into account the aforesaid fact that his name has come in the confessional statement of the accused, nothing has been recovered either from his conscious possession or from his house and as undertaken, he will be cooperating in the investigation/trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5,000/- as undertaken by the learned Senior counsel for the petitioner to be paid by Demand Draft of the local State Bank of India to be submitted to the Trial Court.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate in connection with Rajgir P.S. Case No. 408 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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