

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82544 of 2023

Arising Out of PS. Case No.-404 Year-2023 Thana- KAUWAKOL District- Nawada

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SANJAY YADAV S/o Mahavir Yadav R/o village- Baruni, P.S.- Kasar
(Araiya), District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prasad Singh

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 10-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kauwakol P.S. Case No. 404 of 2023 registered for the offences
punishable under Section 392 of the IPC.

3. As per prosecution case, informant was returning to
his house on motorcycle and in the way, he was stopped and
assaulted by one unknown miscreant. In the meanwhile, three more
miscreants came there and dashed the informant and took away
mobile phone and Rs. 8500/- from his pocket. It is further alleged
that all miscreants assaulted him and took away his motorcycle and
fled away.

4. Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been transpired
in the present case upon the confessional statement of co-accused,



Nitish Kumar. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 26.07.2023 and bears criminal antecedent of three cases in which he is on bail. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that during the course of investigation, it has been found that looted motorcycle was recovered from petitioner's in-law's house, but petitioner is not residing there. He further submits that from the perusal of the FIR itself, it transpires that informant has already stated that he can identify the persons who have committed the crime but no TIP has been conducted uptill now. He further submits that co-accused, Nitish Kumar, upon whose confessional statement petitioner's name transpired, has already been granted bail vide Cr. Misc. No. 80420 of 2023 by the co-ordinate Bench of this Court and the case of present petitioner stands more or less on similar footing. He further submits that petitioner is quite innocent and has falsely been implicated in the case.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on



behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Kauwakol P.S. Case No. 404 of 2023 , subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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