

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26282 of 2017

Arising Out of PS.Case No. -5 Year- 2016 Thana -DHANAH District-
WESTCHAMPARAN(BETTIAH)

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Sunil Yadav Son of Ramchandra Yadav, Resident of Village- Kaulachi,
Police Station- Chautarwa, District- West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Zainul Abedin

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-08-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case instituted under
Sections 395, 397, 412 and 216(A) of the Indian Penal Code.

Allegation against the petitioner is that he is
involved in bank dacoity along with other co-accused from where
Rs. 20 lac has been looted away.

Earlier the bail application of the petitioner was
rejected vide Cr. Misc. No. 21767 of 2016 dated 01.08.2016
taking into account that the petitioner is involved in bank dacoity
from where Rs. 20 lac is said to have been taken away. Again
against the said order, the petitioner had preferred an application
before the Hon'ble Supreme Court vide Special Leave to Appeal
(Crl.) No. 9072 of 2016, which was withdrawn with the liberty to



press his bail application before the Hon'ble High Court, taking into account that the other co-accused have been granted bail. The said liberty was granted to the petitioner. Thereafter, in light of the liberty granted to the petitioner, the petitioner had filed Cr. Misc. No. 53816 of 2016 for grant of regular bail, which was rejected by this court vide order dated 29.03.2017.

This is the third attempt for grant of bail on behalf of the petitioner.

The last bail application of the petitioner was rejected with direction to the court below to conclude the trial preferably within a period of nine months from the date of receipt/production of copy of this order and a further direction was made to the District Magistrate, Bettiah at West Champaran and the Superintendent of Police, Bettiah at West Champaran, who ensured that the prosecution witnesses were produced on the date fixed by the court below.

A report was called for from the court below regarding the stage of the case.

It has been reported by the court below that till date, charge has not been framed in the case, in spite of the direction made in the last bail application.

It has been submitted on behalf of the petitioner that



the petitioner is in custody since 05.03.2016. He has remained in custody for more than one and half years. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has got no criminal antecedent. Except for confessional statement of co-accused, there is no other substantive material to suggest his implication in the present case. The petitioner has not been put on T.I.P. to ascertain his implication in the present case. There is no recovery of any looted article from the conscious possession of the petitioner. The similarly situation other co-accused have been granted bail vide Annexure-4 series to the present application.

On behalf of the State, it has been submitted that the petitioner is not named in the F.I.R. His name has come in course of investigation on the confession of co-accused.

Considering the aforesaid facts and circumstances, 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 A.C.J.M., Bagaha, West Champaran, in connection with Dhanaha P.S. Case No. 05 of 2016.

(Sudhir Singh, J)

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