

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.52392 of 2018

Arising Out of PS.Case No. -43 Year- 2018 Thana -FORBESGANJ District- ARRARIA

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Ashok Kumar Yadav @ Ashok Kr. Yadav, S/o Late Surya Narayan Yadav,
R/o Village- Parwaha Ghowaha, Ward No.04, P.S.- Forbesganj, District-
Araria.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh

For the Opposite Party/s : Mr. Damodar Prasad Tiwary

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 28-09-2018

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Forbesganj P.S. Case No. 43/2018 dated 21.01.2018, G.R. No. 184/2018 registered for the offence punishable under Sections 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per allegations when the informant was going on his motorcycle to Forbesganj, on way the co-villagers Mukesh Yadav met and sat with the informant on his bike who also was in same business. It is alleged that near the canal at Lutiya bridge four persons were present there with two motorcycles on canal, they stopped the informant whereupon the miscreants pulled down the informant from the bike and assaulted him. The miscreants took away cash



of Rs. 1.25 lakhs and one Lava Mobile and also Rs. 92,000/- cash from the pocket of Mukesh Yadav. They also took away the motorcycle of the informant.

Learned counsel for the petitioner submits that the petitioner was earlier arrested in Forbesganj P.S. Case No. 446/2017 on 20.06.2017, he was granted bail by this court vide order dated 12.12.2017 and was released from custody on 20.12.2017. It is submitted that later on petitioner was apprehended in connection with Forbesganj P.S. Case No. 53/2018 and thereafter he has been remanded in three other cases on the basis of his alleged confession.

It is further submitted that the petitioner was in custody when Forbesganj P.S. Case No. 854/2017 dated 12.11.2017 was instituted, which shows that the petitioner is being framed in the case by police. Learned counsel further submits that till date no Test Identification Parade has been conducted. No material has been recovered from the possession of the petitioner or from his house and therefore it is a case of false implication as it may become practice of police to involve the petitioner in false cases. The motorcycle has been recovered from the possession of co-accused and no recovery has been made pursuant to any disclosure by this petitioner.



It is further submitted that other co-accused have been granted bail as stated in para-17 of the petition by this Hon'ble court.

Learned Additional Public Prosecutor for the State is present and submits that the motorcycle and cash have been recovered from the possession of the other co-accused persons. It is further submitted that the investigation in the case is complete and a charge-sheet has already been submitted.

Considering the facts and circumstances of the case wherein so far as the present case is concerned, the recovery has been made from the possession of the other co-accused and the co-accused have been granted bail by the learned coordinate Bench of this court, the details of which are mentioned in para-17 of the present application, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 15,000/- (Rupees fifteen thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria, in connection with Forbesganj P.S. Case No. 43/2018, G.R. No. 184/2018, subject to condition as laid down under Section 437(3) of the Code of Criminal Procedure, and further condition that one of the bailors of the petitioner would a family member having no criminal antecedent, the petitioner should not be found involved in



any other offence of similar nature in future, and he would attend the trial court on the date fixed in the matter for completion of trial. The two consecutive failures of the petitioner to put appearance before the trial court on the date fixed in the matter would lead cancellation of bail by the trial court without looking for any application on behalf of the prosecution.

(Rajeev Ranjan Prasad, J)

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