

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37226 of 2018

Arising Out of PS.Case No. -57 Year- 2016 Thana -BHORE District- GOPALGANJ

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Vinod Yadav, S/o Ram Chandra Yadav @ Ram Chandra Choudhary, R/o
Vill.- Koyladeva, P.S.- Phulwaria, District- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhramveer, Adv

For the Opposite Party/s : Mr. Sri Ajay Kumar-1

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 28-06-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, in the present case, is seeking regular
bail in connection with Bhorey P.S. Case No.57 of 2016,
registered for offences alleged under Section 392 of the Indian
Penal Code.

At the outset, learned counsel for the petitioner points
out that earlier the prayer for bail of the petitioner was moved vide
Cr.Misc.No.50713 of 2017, however, a learned coordinate Bench
of this Court has been pleased to refuse to grant regular bail to the
petitioner considering his criminal antecedents, but while rejecting
the prayer for bail, the Court had observed that the petitioner may
renew his prayer for bail after six months. It is in this background



of the order that the present application has been filed.

Learned counsel for the petitioner submits that the petitioner is in custody in connection with this case with effect from 09.12.2016, but till date no Test Identification Parade has been conducted. The petitioner has been languishing in jail only on the allegation that he has made a confessional statement before the police. Learned counsel submits that the confessional statement which is the sole ground to apprehend the petitioner is itself an indicative of the fact that there is no independent evidence against the petitioner, however, he is in custody over one and half year by now. It is also submitted that in the year 2016 itself after his arrest by police in another case he has been implicated in other 12 cases. It is stated that in some of the cases he is on bail. It is also pointed out that the co-accused Rabindra Gond and Abash Ansari have been granted regular bail by this Court in Cr.Misc.No.51280 of 2017 and Cr.Misc.No.31507 of 2018 respectively.

Learned APP for the State is present and has opposed the prayer for bail.

Considering the facts and circumstances of the present case whereunder the earlier bail application of the petitioner was rejected giving him liberty to renew his prayer for



bail after six months and that the co-accused have been granted bail as also till date there is no Test Identification Parade to connect this petitioner with the present case, I am inclined to grant regular bail to the petitioner. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XII, Gopalganj in connection with Bhorey P.S. Case No. 57 of 2016, subject to the conditions U/S 437(3) Cr.P.C. and further condition that one of the bailors of the petitioner would be a family member having no criminal antecedent and the petitioner shall attend the trial on each and every date fixed in the matter by the learned trial court. Two consecutives defaults in putting appearance in course of trial shall lead to cancellation of bail bond of the petitioner by the trial court itself without waiting for any application on behalf of the prosecution.

(Rajeev Ranjan Prasad, J)

Arvind/R.R.Ojha

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