

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74509 of 2018

Arising Out of PS. Case No.-75 Year-2018 Thana- BHORE District-
Gopalganj

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Raghu Yadav S/o- Rambilash Yadav, Resident of Village- Koiladeva, P.S.
Phulwaria, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ravindra Kumar, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 21-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 392 of the Indian Penal Code registered in
connection with Bhorey P.S. Case No. 75 of 2016.

3. It is submitted that the petitioner has been falsely
implicated and he is not named in the F.I.R. and the F.I.R. is
against unknown persons. Petitioner's name has surfaced only on
the confessional statement of co-accused person Loha Yadav,
except which there is no other material to connect the petitioner
with the alleged occurrence. No recovery of any incriminating
articles has been made from the conscious possession of the
petitioner.

4. From the order of the learned Sessions Judge, it
transpires that no incriminating material was available in the
case diary to show the direct involvement of the petitioner till the
relevant time. It is submitted that the petitioner has been
granted bail in the only other case in which he is made accused



on the basis of confessional statement of co-accused

5. Be that as it may, having regard to the entirety of the facts and circumstances of the case, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XII, Gopalganj in connection with Bhorey P.S. Case No. 75 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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