

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82290 of 2019**

Arising Out of PS. Case No.-133 Year-2018 Thana- RAJAOLI District- Nawada

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Batasa @ Kishori Yadav @ Karu, son of Pragas Yadav, resident of Village - Mahuli, Siswan, P.S.- Nawada, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Man Mohan Kumar, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 12-12-2019

Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Rajauli
PS Case No.133 of 2018 dated 03.05.2018 instituted under
Section 392 of the Indian Penal Code.

3. The allegation against the petitioner, though not
named in the FIR, is of looting a truck along with three others.

4. Learned counsel for the petitioner submitted that he
is innocent and only on untenable grounds which are also
inadmissible in a Court of law, he has been made accused and
remanded. It was submitted that in Rajauli PS Case No.118 of
2018, a co-accused, upon arrest, had stated that he along with
the petitioner worked in one garage in Nawadah town and



following this, the police has remanded him in four other cases of similar nature, including the present case. Learned counsel submitted that there has been no recovery, either from his possession or his house and that he is innocent. It was submitted that he is in custody since 16.07.2019. Learned counsel further submitted that co-accused, Suraj Ram @ Abhishek, who was also implicated on the basis of confessional statement of the same co-accused, has been granted bail by a coordinate Bench by order dated 18.04.2019 in Cr. Misc. No.10672 of 2019. It was further submitted that in none of the cases there has been any Test Identification Parade to ascertain as to whether the petitioner was one of the culprits.

5. Learned APP submitted that co-accused has taken the name of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada, in Rajauli PS Case No.133 of 2018, subject to the conditions (i) that one of the bailors shall be close relative of the petitioner (ii) that the petitioner and the bailors shall execute



bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off.

(Ahsanuddin Amanullah, J)

J. Alam/-

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