

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79616 of 2019

Arising Out of PS. Case No.-540 Year-2019 Thana- BANKA District- Banka

1. PYARE LAL YADAV,
2. Mithilesh Yadav
Both are Sons of Ravi Yadav Resident of Village - Meharpur, P.S.- Banka,
District- Banka

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey
For the Opposite Party/s : Mr.Ram Bachan Singh

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

- 3 11-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 540 of 2019 dated 02.08.2019 registered at Police Station Banka, District-Banka under Sections 379A of the Indian Penal Code.

I have heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

Allegedly, petitioners committed theft and stole 06 pieces of mobile. Initially, petitioners were not named in the FIR and during the course of investigation, petitioners' names



surfaced. However, it is seen that there is delay of three months in lodging the FIR.

Learned counsel for the petitioners states that thus far investigation has not revealed anything incriminating against the petitioners and they have fully co-operated in investigation and no recovery is sought be made from them.

Prima facie also it appears that thus far no case against the petitioners is made out indicating their complicity in the alleged crime.

It is submitted by learned counsel for the petitioners that the petitioners have roots in the society; are not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; are behind bars since 16.09.2019; no further custodial interrogation is required and they have fully cooperated in the investigation.

Prima facie, nothing is produced to highlight petitioners' direct involvement in the crime.

Thus, this Court is of the considered view that petitioners have made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioners, cannot be ruled out. Also, thus far save and except for naming the petitioners in the F.I.R., no evidence corroborative in nature



stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioners in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, having regard to the entirety of the facts and circumstances of the case, let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Banka in connection with Banka P.S. Case No. 540 of 2019 on the following conditions:-

(i) That one of the bailors of the petitioners shall be his close relative.

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

(iii) That the petitioners 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, their bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioners shall cooperate with the investigation, if not already concluded, and make themselves



available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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