

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81155 of 2019

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

RAJESH YADAV @ RAJU Son of Laxman Yadav Resident of Village -
Meharpur, P.S.- Banka, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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 11.5.2019, registered at Police Station Banka under
Sections 379 of the Indian Penal Code.

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

It is the case of the prosecution that petitioner committed
theft of certain items including mobile phones from the shop of the
informant at Gandhi Chowk. The investigation has not revealed
direct complicity of the accused bail applicant in the crime save and
except for the confessional statement of the co-accused, which also
does not appear to have established direct link of the accused
petitioner in the crime.



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

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 23.9.2019; no further custodial interrogation is required and he has fully cooperated in the investigation.

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

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner 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 petitioner 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 petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of like amount each to the satisfaction of



learned Chief Judicial Magistrate, Banka in connection with Banka
P.S. Case No. 540/2019, on the following conditions:-

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

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

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

(iv) 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.

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)

K.C.Jha/-

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