

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6995 of 2020

Arising Out of PS. Case No.-470 Year-2018 Thana- KAHALGAON District- Bhagalpur

ASHISH YADAV @ ANSHU YADAV Son of Raju Yadav Resident of
Mohalla - Parbatti, P.S.- University, Distt - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Pathak, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 03-09-2020 Heard Sri Kamlesh Kumar Pathak, the learned
counsel for the petitioner and Ms. Anita Kumari
Singh, the learned APP for the State.

The petitioner seeks regular bail in connection
with Kahalgaon P.S. Case No. 470 of 2018 (G.R.No.
3296 of 2018), registered for the offence
punishable under Sections 392 and 411B of the
Indian Penal Code.

The case of the prosecution in brief is that
while the informant, who is a tanker driver of Palak
Infra Company, had unloaded bitumen on
14.7.2018 at about 10:30 at the bitumen Plant and
was returning to Kolkata and had reached at NH-



80, near village Anadipur, three miscreants riding on their bike came in front of the tanker of the informant and made the tanker stop, whereafter, they opened the gate of the tanker and on knife point, while assaulting the petitioner with fists and slaps, had snatched a sum of Rs. 3700/- as also his mobile phone and other articles, whereafter they started fleeing away, however, upon an alarm being made by the informant, the villagers had chased the miscreants and caught one of the accused person, namely, Pawan Yadav, who disclosed the name of the other miscreants as Ashish Yadav @ Anshu Yadav (petitioner herein) and Neta Yadav.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 31.05.2019. It is further submitted that the co-accused person, namely, Pawan Yadav, who had taken the name of the petitioner herein, has already been granted bail by a coordinate Bench of this Court vide order



dated 25.01.2019 passed in Criminal Miscellaneous No. 73645 of 2018. It is further submitted that the petitioner is ready to abide by such conditions as may be deemed fit and proper to be imposed by this Court for the purposes of grant of bail.

Per contra, the learned APP has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that the petitioner was neither caught from the spot nor any recovery of incriminating articles has been made from him as also taking into account the parity of the case of the petitioner with that of the co-accused person, who has already been granted bail and in fact, the case of the petitioner stands on a better footing, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned A.C.J.M. XI, Bhagalpur in connection with Kahalgaon P.S. Case No. 470 of 2018 (G.R. No. 3296 of 2018).

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station at 10:00 am. on each Monday of the week and in the event of two consecutive defaults, the present privilege of the regular bail shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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