

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29776 of 2020

Arising Out of PS. Case No.-157 Year-2018 Thana- AMAS District- Gaya

AKHILESH YADAV S/o Ram Prakash Yadav Residence of Village-Baital
Panchrukha, P.S.-Raushanganj, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Sharma
For the Opposite Party/s : Mrs. Pushpa Sinha, APP.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 11-11-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks from the date of restoration of normalcy.

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

The petitioner seeks bail in a case instituted for the
offences under Section 394 of the Indian Penal Code in which
sections 302/34 was added later on.

The prosecution case in short is that while the
informant was coming from motorcycle along with another, the



accused persons looted his motorcycle and gave knife blow on the injured who later died in course of treatment.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.11.2019. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner is not named in the F.I.R. As per the allegation, three unknown persons looted the motorcycle of the victim and gave knife blow. Later on, Section 302 IPC was added to the present case. The name of the petitioner has transpired on the basis of confessional statement of co-accused and further it is alleged that the mobile of the deceased was being used by the petitioner. The petitioner had no knowledge that the mobile in question is looted one. He had purchased the same from the open market. Except for this, there is no other substantive evidence to suggest the participation of the petitioner for committing an offence under section 394 IPC.

On behalf of the State, it is submitted that the petitioner is not named in the F.I.R.

Considering the aforesaid facts and circumstances, it is directed that the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with



two sureties of the like amount each to the satisfaction of
learned A.C.J.M. Sherghati, Gaya in connection with Amas P.S.
Case No. 157 of 2018, G.R. No. 1382/2018.

(Sudhir Singh, J)

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