

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76402 of 2019**

Arising Out of PS. Case No.-360 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

RAKESH KUMAR YADAV @ RAKESH YADAV @ BAUA S/o Phagu
Yadav @ Fagu Yadav @ Indradeo Singh R/o village- Nai Bazar Mathiya Mor,
P.S.- Buxar (T), District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan

For the Opposite Party/s : Mr.Humayou Ahmad Khan

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 16-03-2020

Heard learned counsel for the parties.

This application for grant of regular bail arises out of
Buxar (M) P.S. Case No. 360 of 2018 registered for the offence
punishable under Section 392 of the Indian Penal Code.

The First Information Report was registered against
unknown. The name of the petitioner surfaced during the course
of investigation. Allegedly, unknown criminals had looted huge
cash from a branch of Allahabad Bank.

Learned counsel appearing on behalf of the petitioner
has submitted that except for the confessional statement of co-
accused, there is no material against this petitioner and other
persons, whose names have also surfaced on the basis of
confessional statements, who have been allowed regular bail by
this Court by orders dated 16.05.2019, 01.05.2019, 17.12.2019



and 20.01.2020 passed in Cr. Misc. Nos. 32550 of 2019, 28238 of 2019, 65374 of 2019 and 82463 of 2019 respectively.

The offence alleged is of grave nature. Had it been a case that the petitioner's implication is only on the basis of the confessional statement of co-accused and he does not have any criminal antecedent, the matter would have probably been different. It appears from the statement made in paragraph 3 of the application that the petitioner is accused in following two cases, which are also of grave nature :-

- “(i) Buxar (T) P.S. Case No.64 of 2019 U/S 147, 148, 149, 302 of the I.P.C. and 27 of Arms Act.**
(ii) Buxar (T) P.S. Case No.81 of 2019 U/S 25(1-b)(a), 26 and 35 Arms Act.”

In response to a query made by this Court, learned counsel for the petitioner has submitted that Rahul Yadav and Suraj Kumar, who have been allowed regular bail by this Court, also have criminal antecedent, whose names have surfaced on the basis of confessional statement of the co-accused. I have carefully perused the orders, whereby they have been allowed regular bail by this Court. Apparently, in the said orders, criminal antecedent of the co-accused, if they had any, has not been noticed.

Considering the gravity of the offence and the



petitioner's antecedent, as noted above, I am not inclined to grant the petitioner privilege of regular bail.

This application is accordingly rejected.

(Chakradhari Sharan Singh, J)

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