

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87085 of 2019**

Arising Out of PS. Case No.-154 Year-2019 Thana- BANKA District- Banka

CHANDAN YADAV Son of Vishnu Yadav Resident of Village - Methibaran,
P.S.- Saraiyahat, District- Dumka (Jharkhand)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee
For the Opposite Party/s : Mr.Asha Devi

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

5 01-06-2020 The present case was heard at length on 27.05.2020
and today, it has been listed under the heading “For Orders”.

The petitioner seeks regular bail in connection
with Banka PS case no. 154 of 2019 instituted for the offences
punishable under Section 379 of Indian Penal Code.

The case of the prosecution in brief is that on
12.03.2019 at about 11 am, the informant had gone to the State
Bank of India, Banka branch for withdrawing money and after
withdrawing a sum of Rs. 4 lacs, he had come out of the bank
premises and had kept the money in the dicky of the motorcycle,
whereafter he had gone to purchase carry bag from the nearby
shop, however during the said period, some unknown persons
had opened the dicky and taken away the money.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, he is not named in the FIR and he is languishing in custody since 15.04.2019. It is further submitted that the petitioner has been falsely implicated in the present case on account of his bad criminal antecedent. It is further submitted that apart from the confessional statement of the petitioner which has got no evidentiary value in the eyes of law, there is no any material to connect the petitioner with the alleged crime. Lastly, it is submitted that neither the stolen cash amount has been recovered from the possession of the petitioner nor he has been identified during the course of T.I. parade.

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

I have heard the learned counsel for the parties and considered the materials on record as also the case diary. This Court finds that the document pertaining to test identification parade is not on record, however the learned counsel for the petitioner has submitted that the learned court below may be directed to verify the same.

Considering the facts and circumstances of the case, taking into account the fact that the petitioner has not been



identified as the perpetrator of the alleged crime in the test identification parade, no stolen cash amount has been recovered from the petitioner as also considering the period of incarceration of the petitioner, I deem it fit and proper to grant regular bail to the petitioner, subject to the learned court below verifying the fact as to whether the factum of the petitioner having not been identified in the test identification parade is correct or not, and further upon furnishing personal bond to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka PS case no. 154 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named, shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka PS case no. 154 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

(Mohit Kumar Shah, J)

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