

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85862 of 2019

Arising Out of PS. Case No.-302 Year-2019 Thana- DAUDNAGAR District- Aurangabad

Baban Yadav, Son of Shiv Narayan Singh Resident of Village - Kusa, P.S.-
Obra, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-03-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner seeks bail in connection with Daudnagar
P.S. Case No. 302 of 2019, registered for the offence punishable
under Section 395/397 of the Indian Penal Code.

The prosecution story in brief is that some unknown
miscreants looted a sum of Rs.20 lakhs from the informant and
also injured the informant with gun shot injury.

Mr. Bachan Jee Ojha, learned counsel appearing for
the petitioner submits that the petitioner has not committed any
offence in the manner alleged and is not named in the First
Information Report. Learned counsel further submits that the
name of the petitioner has transpired on the basis of
confessional statement made by co-accused Guddu @ Rohit.



Learned counsel further submits that the looted amount has not been recovered from the possession of the petitioner and the petitioner was not put on test identification parade by the police and the petitioner is in custody since 05.11.2019. Learned counsel further submits that co-accused Dhirendra Yadav @ Lallu, whose name was also disclosed by the co-accused person Guddu Kumar @ Rohit in his confessional statement, has been granted bail by this Court vide order dated 17.01.2020 passed in Cr. Misc. No.86762 of 2019.

After having heard learned counsel for the parties and taking into consideration the fact that the name of the petitioner has transpired on the basis of confessional statement made by co-accused and looted cash amount has not been recovered from the petitioner and neither the petitioner has been put on test identification parade and similarly situated accused person has been granted bail by this Court and the petitioner is in custody since 05.11.2019, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail upon furnishing bail bond of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.,



Aurangabad, in connection with Daudnagar P.S. Case No. 302 of 2019, with following conditions :-

(1) One of the bailors should be local people having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the Court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Anil Kumar Sinha, J)

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