

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.13268 of 2021**

Arising Out of PS. Case No.-104 Year-2019 Thana- NOWKOTHI GARHPURA District-  
Begusarai

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ROHIT YADAV Son of Kamal Dev Yadav Resident of Village - Rampur, P.S.  
- Alouli, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar Singh  
For the Opposite Party/s : Mr. Satyendra Prasad

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      16-07-2021                      Heard learned counsel for the petitioner and learned  
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to  
remove the defects within four weeks of resumption of normal  
court proceeding. In the eventuality of non-removal of defects  
within undertaken period, the office will place the matter before  
the Bench.

The petitioner seeks bail in a case registered for the  
offence punishable under Section 392 of the Indian Penal Code.

Some unknown miscreants are said to have looted  
away the motorcycle of the petitioner along with other valuable  
articles.

It is submitted by learned counsel for the petitioner



that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case on the confessional statement of co-accused. He is neither named in the F.I.R. nor was apprehended on the spot. No incriminating article has been recovered from his conscious physical possession. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is nothing in the record indicating the complicity of the petitioner in the occurrence barring the confessional statement of co-accused, Rupesh Kumar which has no evidentiary value in the eye of law. The petitioner has four criminal antecedents but he is on bail in all the cases. The petitioner has been languishing in custody since 15.09.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Nawkothi P.S. Case No.104 of 2019, G.R. No.3259 of 2019, subject to the following conditions :



(1) that one of the bailors will be a close relative of the petitioner, who will give an affidavit giving genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

**(Anjani Kumar Sharan, J)**

Trivedi/-

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