

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15106 of 2021

Arising Out of PS. Case No.-272 Year-2019 Thana- PIRO District- Bhojpur

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DIPAK YADAV Son of Dindayal Yadav Resident of Village - Nahasi, P.S.-
Agaion (Garhani), Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-08-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceeding.

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, office will place the matter before the Bench.

The petitioner seeks bail in connection with Piro P.S. Case No.272 of 2019 registered for the offence punishable under Sections 395 of the Indian Penal Code.

The prosecution case in short is that six accused persons, on two bikes, on the point of arms looted the informant when he was closing his shop and snatched Rs.15,000/- and his mobile.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken



place. He is not named in the FIR nor apprehended on the spot. His name transpired in this case on the confessional statement of co-accused Deepak Yadav. No incriminating article has been recovered from his conscious physical possession. It is submitted that no TIP has been conducted as yet. Similarly situated co-accused persons namely Jitu Yadav @ Jitendra Yadav, Kush Kumar @ Raja @ Baja and Govinda Kumar @ Govinda Singh @ Govinda Sharma have been granted bail vide Cr. Misc. No.25734 of 2020 dated 12.11.2020 passed by a co-ordinate Bench of this Court, vide Cr. Misc. No.30155 of 2020 dated 02.12.2020 passed by this Court and vide Cr. Misc. No.37106 of 2020 dated 02.02.2021 passed by a co-ordinate Bench of this Court respectively. The petitioner has one criminal antecedent and has been languishing in custody since 28.02.2020.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, 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, in connection with Piro P.S. Case No.272 of 2019,



subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused 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 the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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