

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18636 of 2021**

Arising Out of PS. Case No.-115 Year-2019 Thana- BASANHI District- Saharsa

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Rohit Yadav Son Of Kamleshwari Yadav @ Kamleshwar Prasad Yadav
Resident Of Village- Rampur, Alauli, Ps- Alauli, District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Basnahi P.S. Case No. 115 of 2019 registered

for the offences punishable under Section 394 of the Indian

Penal Code. Petitioner is in custody since 30.06.2020.

As per the prosecution story, while the informant was

going on motorcycle to his native village and when he reached

near over-bridge then suddenly four unknown miscreants riding

on two motorcycle came there and assaulted the informant and

snatched his motorcycle as also Rs. 1900/- and mobile of

Samsung Company.

Learned counsel for the petitioner submits that the name of the petitioner has transpired in the confessional statement of the co-accused, however till date there is neither any Test Identification Parade nor any recovery of any incriminating material from the possession of the petitioner. Save and except the confessional statement of the petitioner before police there is no other material to connect him in the present case. He is in custody for over one year, investigation against him is complete but the trial is not likely to take place in near future.

Learned counsel further submits that the motorcycle in question has been recovered in Bakhri P.S. Case No. 374/2019 in which the petitioner is not an accused. In the six cases stated in paragraph '3' of the application he is said to be on bail.

Mr. Rana Randhir Singh, learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the motorcycle in question has been recovered in connection with Bakhri P.S. Case No. 374/2019 in which the

petitioner is not an accused and this Court further noticed that petitioner has remained in custody for over one year, this Court directs release of the petitioner above-named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - III, Saharsa in connection with Basnahi P.S. Case No. 115 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of

bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.