

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38864 of 2020**

Arising Out of PS. Case No.-213 Year-2020 Thana- BUXAR MUFFSIL District- Buxar

MOHAN YADAV Son of Nanhak Yadav Resident of Village - Mahdah, P.S.-
Buxar (M), District - Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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

4 19-07-2021 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 Buxar (Muffasil) P.S. Case No. 213/2020
registered for the offence under Section 395 of the Indian Penal
Code.

Learned counsel for the petitioner submits that
altogether eight unknown persons are said to have entered into
the Bank and looted away Rs. 4,01,600/- from the drawer by
showing pistol. It is his submission that the petitioner is not
named in the F.I.R., his name has transpired in the confessional
statement of the co-accused Sunil Rajbhar alleging that this
petitioner was standing on the stairs of the Bank.

Learned counsel submits that till date no Test



Identification Parade has taken place and no incriminating article has been recovered from possession of the petitioner. He is in custody in connection with this case since 25.07.2020 and has got no criminal antecedent.

It is further informed that the co-accused similarly situated namely Akhilesh Kumar Koiri @ Mahto @ Chotey Mahto, Chandan Paswan and Anuj Paswan @ Anoj Paswan @ Chhathu have been granted bail by learned coordinate Benches of this Court in Cr. Misc. No. 9764/2021, Cr. Misc. No. 169/2021 and Cr. Misc. No. 4329/2021 respectively.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances as noticed by this court hereinabove and similarly situated co-accused have been granted bail by learned coordinate Benches of this Court, this petitioner has otherwise no criminal antecedent and has remained in custody in connection with this case for almost 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 Chief Judicial Magistrate, Buxar in connection with Buxar (Muffasil) P.S. Case No. 213/2020, 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'.

