

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1632 of 2021

Arising Out of PS. Case No.-76 Year-2020 Thana- BIHIA District- Bhojpur

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RAMESH YADAV @ P. P. YADAV SON OF LATE AMAWAS YADAV
RESIDENT OF VILLAGE - KATYA, P.S. - BIHIA, DISTRICT - BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Jharkhandi Upadhyay

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-06-2021 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

The petitioner seeks regular bail in connection with

Bihiya Police Station Case No. 76 of 2020, registered for the

offence punishable under Sections 341/504/323/395 of the

Indian Penal Code.

The allegation, as per the First Information Report, is

that the vehicle of the informant, which was being driven by his

driver, broke down near Niranpur Road Railway Gumti and

repair of the vehicle was being done, in the meanwhile, 8-10

unknown persons arrived there, assaulted the informant, abused

him and took away the motorcycle and cash of Rs. 6,000/-.

Learned Counsel for the petitioner submits that the



petitioner is not named in the First Information Report and he has falsely been implicated in this case on the basis of confessional statement of the petitioner and co-accused Bikash Yadav. He further submits that no looted article has been recovered from the possession of the petitioner and the finding recorded by the learned Court below, in the impugned order, is an error of record inasmuch as from the seizure list, it is apparent that the motorcycle was recovered by the police from near the Niranpur Road Railway Gumti. He further submits that one mobile phone was also recovered from the possession of the petitioner, which belongs to the petitioner. He further submits that the petitioner has got no criminal antecedent, he is in custody since 19.03.2020 and co-accused Bikash Yadav has been granted bail by co-ordinate Bench of this Court, vide order, dated 10.11.2020, passed in Criminal Misc. No. 29002 of 2020.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the petitioner is in custody since 19.03.2020 having no criminal antecedent, no looted article has been recovered from the possession of the petitioner and co-accused Bikash Yadav has been granted bail by this Court, I am inclined to grant regular bail to the petitioner.



This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 12th Additional Chief Judicial Magistrate, Bhojpur, at Ara, in connection with Bihiya Police Station Case No. 76 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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