

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4611 of 2021

Arising Out of PS. Case No.-153 Year-2020 Thana- KHAJANCHI HAT District- Purnia

RAKESH KUMAR YADAV SON OF SHOBHANAND YADAV RESIDENT
OF VILLAGE- GHORGHAT , P.S- FORBESGANJ , DISTT-ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Advocate.

For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 24-03-2021 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, the office will place the matter before the Bench.

The petitioner seeks bail in connection with K.Hat (Sahayak) P.S. Case No. 153 of 2020 registered for the offence punishable under Sections 457, 380 of the Indian Penal Code later on Sections 401, 411 and 414 of the Indian Penal Code have also been added.

As per the prosecution case, informant is Secretary-cum-Organizer of Sriram Janki Gokul Singh Thakurwari, Tatma Toli,



Purnea. On 11.03.2020 at about 11.30 P.M., informant as usual after night worship and Ratri Bhog in the temple locked the door and kept the key at the fixed place on the wall and slept. When informant awoke at 5 A.M. in the morning. He felt dizziness. In the meantime, informant saw that door of the temple is open and the key has been kept on table in the temple. He went inside the temple and saw three Metal (Ashatdhatu) idols of gods, namely, Sriram, Mata Janki and Laxkshman jee were missing. He awoke Sadhu Bharat Das and told about the missing aforesaid idols. Informant also informed the members of the Committee and Police Station.

It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He is neither named in the F.I.R. but on the confessional statement of the co-accused, the petitioner is made accused in the present case. The petitioner is not named in the F.I.R. and the F.I.R. has been lodged against unknown. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. No incriminating article has been recovered from the conscious possession of the



petitioner.

Learned counsel for the petitioner further submits that similar situated co-accused has been granted bail *vide* order dated 05.02.2021 in Cr. Misc. No. 38190 of 2020 by a Co-ordinate bench of this Court.

The petitioner has no criminal antecedent as mentioned in para 3 of the bail application and has been languishing in custody since 27.05.2020.

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 Chief Judicial Magistrate, Purnea in connection with K.Hat (Sahayak) P.S. Case No. 153 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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