

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2711 of 2022

Arising Out of PS. Case No.-553 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Hareram Yadav, S/O Late Buchho Yadav, R/o village- Ainee, P.O.- Bhavdeba
Ward No. 09, P.S.- Bakhtiyarpur, Distirct- Saharasa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Saharsa Sadar P.S. Case No. 553 of 2021,
registered for the alleged offences under Section 394 of the
Indian Penal Code.

As per prosecution case, the petitioner was a driver of
the pick-up van of the informant he was asked by the employer
to bring an amount of Rs. 8,93,170/- from one of his
acquaintances as the said amount was kept with him after
collection of the same from the retailers of the goods of the
informant. Further allegation is that the petitioner informed the
informant that miscreants looted him and took away the money



from him and also assaulted him. During investigation the fact came to the knowledge that the petitioner was himself a conspirator along with other co-accused persons who looted the money of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been named in this case on the basis of his confessional statement. Except for the said statement, there is nothing against the petitioner. Recovery of Rs. 10,05,260/- has been made from the house of the co-accused Subhash Yadav whereas allegation is only of loot of Rs. 8,93,170/-. There is nothing on record to explain the recovery of excess amount from the co-accused. Learned counsel further submits that no recovery has been made from this petitioner of any incriminating material. The petitioner is in custody since 12.07.2021 and the charge-sheet has been submitted in this case. Co-accused Naresh Yadav has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.05.2022 passed in Cr. Misc. No. 63524 of 2021.

Learned APP opposes the prayer for bail submitting that the petitioner being the driver of the informant had hatched a conspiracy with other co-accused persons and took the money of the informant which was recovered at the instance of the petitioner



from the house of the co-accused.

Perused the records.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 553 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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