

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7642 of 2022

Arising Out of PS. Case No.-423 Year-2017 Thana- HILSA District- Nalanda

Hira Yadav @ Hira Gope @ Hira Kumar S/o Kamta Gope @ Kunta Gope @
Kanta Gope R/o village- Rupaspur, P.S.- Chiksaura, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 27-07-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Hilsa
P.S. case no. 423 of 2017 registered for the offence punishable
under Section 395 of the Indian Penal Code.

Allegedly, the accused persons on 29.6.2017 after
mid night gathered near the gate of informant's house and
forcibly made the informant's wife open the gate and entered
into the house and thereafter, they looted Rs. 10,000/- cash,
jewellery and some other articles and then all the accused
persons fled away from the spot.

The main submissions advanced by Shri Anil Kumar
Singh, learned counsel for the petitioner are that the FIR of the



present case was lodged on 26.6.2017 and the petitioner was made accused mainly relying upon the statement of accused Feku Yadav, who recorded his statement in the year 2018 and disclosed the name of the petitioner as well as other accused persons being involved in the alleged crime of dacoity. Further submission is that the said Feku Yadav as well as one co-accused Ajay Yadav has been considered for regular bail by different benches of this Court vide orders passed in Cr. Misc. 50360 of 2018 and 22160 of 2021 and against the petitioner there is no any evidence and material to connect him to the alleged crime of dacoity.

Learned APP Shri Navin Kumar Pandey has opposed the prayer for bail.

Heard both the sides and perused the FIR. The case diary shows that the police mainly relying upon the statement of co-accused person submitted the charge-sheet against the petitioner and nothing except the said statement appears from the case diary to show the involvement of the petitioner in the alleged crime and moreover co-accused Feku Yadav who disclosed the involvement of this petitioner in his statement made before the police has been granted regular bail vide order passed in above mentioned Cr. Misc. and petitioner's case is on



similar footing with co-accused persons who have been granted privilege of bail, in my view of a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in connection with Hilsa P.S. case No. 423 of 2017 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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