

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11591 of 2022**

Arising Out of PS. Case No.-538 Year-2019 Thana- NARPATGANJ District- Araria

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SANJAY YADAV SON OF GANGA YADAV Resident of Village - Bibiganj,
P.S.- Narpatganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mr.Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 04-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks from the date of resumption of
physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Narpatganj P.S. Case No. 538 of 2019
registered for the alleged offences under Section 392 of the
Indian Penal Code.

The prosecution case is that the petitioner and other
co-accused person looted cash of about Rs. 4.5 lakhs and a
mobile phone from the informant.

The learned counsel for the petitioner submits that
the petitioner is not named in the FIR as it was registered



against unknown. Nothing has been recovered from the possession of the petitioner. No Test Identification Parade has been conducted for identifying the petitioner for his involvement in the alleged occurrence. Only material against the petitioner is his confessional statement, which was recorded by the police when he was in custody in some other cases. Moreover, no recovery has been made pursuant to the confessional statement of the petitioner. Either similarly placed co-accused persons have been allowed bail vide order dated 10.02.2022 passed in Cr. Misc. No. 52937 of 2021 and vide order dated 13.05.2022 passed in Cr. Misc. No. 189 of 2022 by a Coordinate Bench of this Court. Charge sheet has been submitted and petitioner is in custody since 23.01.2021.

Learned A.P.P. for the State has opposed the prayer on behalf of the petitioner.

Having regard to the submissions made hereinabove and considering the fact that the petitioner is not named in the FIR and no recovery has been from his possession and charge sheet has been submitted and the petitioner is in custody since 23.01.2021, 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, Araria in connection with Narpatganj P.S. Case No. 538 of 2019, subject to the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be a close relative of the petitioner.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence for 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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