

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12417 of 2022**

Arising Out of PS. Case No.-219 Year-2020 Thana- CHENARI District- Rohtas

ASHOK YADAV Son of Dasrath Yadav @ Bhuwar Yadav Resident of Village
- Pakhanari, P.s.- Sheosagar, Distt.- Rohtas as Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

4 30-08-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Chenari
P.S. Case No. 219 of 2020 registered for the offence under
Section 395 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 03.06.2021.

The allegation against the petitioner is to commit
dacoity, while committing so, taken away cash of Rs. 37,500/-
and mobiles belongs to the informant.

Learned counsel appearing on behalf of the petitioner
submitted that the petitioner remanded in the present case after



apprehended in Kudra P.S. Case No. 244 of 2020. It is also submitted that in furtherance of self confession no incriminating material surfaced/recovered during the course of investigation which may connect this petitioner, *prima-facie*, with the present set of dacoity. It is also submitted that petitioner was never put on TIP. It is also submitted that CCTV is also not clear to identify the face of petitioner and other co-accused persons, moreover timing of CCTV footage is also much different that of alleged time of dacoity. It has further been submitted that similarly situated co-accused person has already been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 65637 of 2021 dated 15.04.2022. While concluding the argument, it is also submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in the FIR.

Considering the facts and circumstances as mentioned above, as no incriminating material recovered/surfaced to connect petitioner with present set of dacoity coupled with the fact that charge-sheet has already been submitted, let the



petitioner, above named, is directed to be released on bail in connection with Chenari P.S. Case No. 219 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M.-cum-Sub Judge-10, Sasaram, Rohtas/concerned court, subject to the following conditions:

“(i)Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/-

U		T	
---	--	---	--

