

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16430 of 2022

Arising Out of PS. Case No.-76 Year-2020 Thana- BIHIA District- Bhojpur

Sanjay Yadav Son Of Late Shiv Narain Yadav R/O Village- Suremanpur, P.S.-
Shahpur, District- Bhojpur Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Md. Ataul Haque, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 13-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The case is registered under Sections 341, 504,
323, 395 of the Indian Penal Code in connection with Bihiya
P.S. Case No. 76/2020.

The allegation, as per the First Information Report, is
that the vehicle of the informant, which was being driven by his
driver, broke down near Niranpur Road Railway Gumti and
repair of the vehicle was being done, in the meanwhile, 8-10
unknown persons arrived there, assaulted the informant, abused
him and took away the motorcycle and cash of Rs. 6,000/-.

Learned counsel for the petitioner submits that he has
not been named in the FIR and has falsely been implicated in
this case on the basis of confessional statement of Ramesh



Yadav @ P.P. Yadav. He further submits that although pursuant to the said confessional statement, he has been remanded in this case but no looted articles have been recovered from his conscious possession nor T.I. Parade has been done. He further submits that co-accused Ramesh Yadav @ P.P. Yadav, on whose confessional statement his name has come up in this case has since been released on bail in Cr. Misc. No. 1632 of 2021 vide order dated 21.06.2021.

Considering the fact that the name of the petitioner has come in the confessional statement of co-accused, Ramesh Yadav @ P.P. Yadav, charge sheet stands submitted and he is in custody since 13.07.2021 (as stated in paragraph-08 of the bail application), the co-accused Ramesh Yadav @ P.P. Yadav has been enlarged on bail, this Court is inclined to grant him privilege of bail after framing of charges in view of the fact that unlike Ramesh Yadav @ P.P. Yadav who do not have any criminal antecedent, the petitioner herein is accused in 3 criminal cases, as recorded in para 3 of the bail application.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each after framing of charges to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara, in connection with



Bihiya P.S. Case No. 76 of 2020, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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