

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17526 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

ASHISH YADAV S/o Nawal Kishore Yadav @ Nawal Kishore Prasad R/o
village- Gausganj, P.S.- Ara Nagar, District- Bhojpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Ara Muffasil P.S. Case No.104/2021 instituted under
Section 25(1-b)a,26,35 of the Arms Act.

As per the prosecution case, it is alleged that on
27.04.2021, police received information that some unknown
miscreants are committing dacoity at Pirauta Punjab National
Bank. The police rushed to the place of occurrence, entered into
the bank, found a person lying on the ground and one country
made revolver was recovered from his possession. It is further
alleged that on inquiry from CCTV footage, it transpired that



five persons entered into the Bank, committed dacoity and fled away.

The present FIR has been registered on the recovery of the countrymade revolver inside the Bank.

It is submitted on behalf of the learned counsel for the petitioner that he is not named in the FIR nor any incriminating material has been recovered from possession of this petitioner. He further submits that his name has come up only on the basis of the confessional statement of the accused Amit Kumar @ Vicky. The counsel submits that the petitioner is in jail since 22.06.2021 (as stated in paragraph-19 of the bail application) and his last submission is that some of the co-accused persons namely, Himanshu Singh (Cr. Misc. No. 70577 of 2021 disposed of on 24.05.2022), Aryan Raj @ Rahul Kumar (Cr. Misc. No. 62702 of 2021 disposed of on 18.04.2022) and Nitish Kumar Singh @ Golu Singh @ Nitish Kumar Singh (Cr. Misc. No. 59699 of 2021 disposed of on 13.04.2022) respectively by this Court.

Let the orders dated 24.05.2022, 18.04.2022 and 13.04.2022 passed in Cr. Misc. Nos. Cr. Misc. No. 70577, Cr. Misc. No. 62702 of 2021 and Cr. Misc. No. 59699 of 2021 respectively be kept on record.



Considering the fact that the petitioner is not named in the FIR, his name has cropped up on the confessional statement of Amit Kumar @ Vicky, and is in jail since 22.06.2021 as also that some of the co-accuseds have been released on bail, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Ara Muffasil P.S. Case No.104/2021 to the satisfaction of learned A.C.J.M.,VII, Bhojpur at Ara, subject to 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 cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month 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 steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/-

U			
---	--	--	--

