

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23035 of 2022

Arising Out of PS. Case No.-115 Year-2021 Thana- RANIGANJ District- Araria

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RAMESH YADAV @ RAMESH KUMAR YADAV S/o Shree Maheshwar
Yadav @ Maheshwari Yadav Resident of Village - Dhima, P.O. Dhima, Ward
No. -17, P.S. Banmankhi, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 13-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Petitioner seeks regular bail in Raniganj P.S Case No.

115 of 2021 registered for the offence punishable under Section

392 of the Indian Penal Code.

As per allegation, on the alleged date and time of the

occurrence the informant was coming with his companions after

having recovered dues amount from the shopkeepers and on the

way four miscreants riding on two motorcycles overtook the

informant's vehicle and thereafter snatched informant's bag

containing 15,000 rupees, one Tablet and documents on the

point of pistol.



The main submissions advanced by learned counsel Sri Gopal Kumar Jha appearing for the petitioner are that against the petitioner there is no evidence, investigation has been completed against him and during the course of investigation the looted article was not recovered from the possession of this petitioner and he has been languishing in jail since 14.02.2022.

Sri Chandra Sen Prasad Singh, learned APP appearing for the State has opposed the prayer for bail.

Heard both the sides, perused the FIR and case diary of this case. Though the present case relates to loot but the case diary goes to show that mainly relying on the statements of accused persons given before the police and the criminal antecedent of the accused persons including the petitioner the police charge sheeted this petitioner for the alleged offence of loot and learned APP has not drawn attention of this Court to any legal evidence to show the role of this petitioner in the alleged crime of loot except petitioner's criminal antecedent and statements of co-accused persons given before the police. Hence in absence of any legal material, it will not be proper to keep the petitioner behind the bar.

Accordingly, petitioner is directed to 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 the Addl. Chief Judicial Magistrate VI, Araria in Raniganj P.S Case No. 115 of 2021 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.

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

(Shailendra Singh, J)

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