

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24510 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- BIHIA District- Bhojpur

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Dani Yadav S/O Late Dwarika Yadav Resident Of Village- Hospital Road
Bihiya Ward No.03, P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate

For the Opposite Party/s : Mr. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-08-2022 Heard Mr. Shiv Prasad, learned counsel appearing on
behalf of the petitioner and the learned APP for the state.

Petitioner seeks bail in a case registered in connection
with Bihiyan P.S. Case No. 59 of 2020 for the offences
punishable under sections 395 of the Indian Penal Code.

As per the prosecution case, it is alleged that 7 to 8
accused persons on three motor cycles, on the point of pistol
looted the petitioner's motorcycle, mobile phone etc. It is
further alleged that soon thereafter, other person reached there
and protesting the accused persons and assaulted them.

It is submitted by the learned counsel for the
petitioner that the F.I.R has been instituted against 7 to 8
unknown accused persons. However, the name of the petitioner
has transpired on the confessional statement of co-accused



Ramesh Yadav and moreover, looted motorcycle was also recovered from possession of Ramesh Yadav and Sampat Singh and Vikash Yadav. It is further submitted that co-accused Ramesh Yadav has already been granted bail by learned co-ordinate Bench of this court in Cr. Misc. No. 51725 on 2021 vide order dated 04.04.2022, copy of which has been annexed to this petition. It is also submitted that only because of the criminal antecedents of the petitioner, his name has been implicated in this case, though he is in custody since 11.02.2022 but till date he has not been put on TIP.

On the other hand, learned counsel for the state vehemently opposed the bail application and submits that the petitioner has multiple criminal antecedents in as much as he has named in 17 other criminal cases. In response to the aforesaid submissions, the learned counsel appearing on behalf of the petitioner submits that in all the cases, the petitioner is either on bail or acquitted from the charges.

Having regard to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired on the confessional statement of co-accused Ramesh Yadav and he has already been granted bail by learned co-ordinate Bench of this Court, let the petitioner,



above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Bihiyan P.S. Case No. 59 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above- mentioned order shall not be delayed for purpose of or in



the name of verification.

(Harish Kumar, J)

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