

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26432 of 2022

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

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DANI YADAV Son of Late Dwarika Yadav Resident of Village - Hospital
Road Bhiya Ward no.3, P.s.- bihiya, Distt.- 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. Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 18-08-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

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

The petitioner is in judicial custody in connection
with Bihiya P.S. Case No. 76 of 2020 for the offences under
Sections 341, 504, 323 and 395 of the Indian Penal Code.

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 (Annexure-3 to the bail application).

Considering the fact that the name of the petitioner has come in the confessional statement of co-accused, Ramesh Yadav @ P.P. Yadav, there has not been any recovery from his conscious possession, charge sheet stands submitted and he is in custody since 13.07.2021 (as stated in paragraph 13 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 18 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 Bihiyan 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)

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