

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31867 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- CHANPATIA District- West Champaran

Banka Yadav, aged about 40 years, Male, S/o Late Mahanth Yadav, Resident of Sukhvan, P.S.- Bagaha Patkhauri, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 31-08-2022 Heard Mr. Bimlesh Kumar Pandey, learned counsel appearing on behalf of the petitioner and Mr. Ramchandra Singh, learned A.P.P. for the State.

Petitioner, who is in custody since 27.01.2022, seeks regular bail in connection with Chanpatiya P.S. Case No. 05 of 2022 registered for offences punishable under Sections 420, 414, 467, 468, 471 of the Indian Penal Code and Sections 25(1-b)/a/26/35 of the Arms Act.

Prosecution story in brief is that FIR was lodged against two unknown persons and in course of investigation, on the basis of confessional statement of co-accused Krishna Srivastava, the name of the petitioner was disclosed that he was the another accused, who had committed robbery by snatching Rs. 52,000/- and out of which Rs. 40,000/- was recovered from the rented house of Krishna Srivastava.



Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent. He has been made accused in the present case on the basis of confessional statement made by one co-accused Krishna Shrivastava, who has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.07.2022 passed in Cr. Misc. No. 22620 of 2022. Recovery of Rs. 40,000/- was made on confessional statement of co-accused Krishna Shrivastava from his rented house situated in Banuchhapar. In absence of any material or any amount being recovered from the possession of the petitioner or from his house, no case is made out against the petitioner. Petitioner has two criminal antecedents. He is in custody since 27.01.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Having considered the fact that nothing was recovered from the possession of the petitioner or from his house, one co-accused Krishna Shrivastava, on whose confession the recovery of Rs. 40,000/- was made has already been granted bail by a co-ordinate Bench of this Court vide order dated 13.07.2022 passed in Cr. Misc. No. 22620 of 2022, charge-sheet has already been submitted and there is unlikely chance of the trial being



concluded in near future, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Chanpatiya P.S. Case No. 05 of 2022 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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