

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34160 of 2022

Arising Out of PS. Case No.-26 Year-2020 Thana- BIHAR District- Nalanda

Mithu Yadav @ Mithilesh Yadav @ Mithilesh Prasad, S/O Sahdeo yadav, R/o village - Ram Daiyapar (balwapar), P.s.- Rahui, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Bihar P.S. Case No. 26 of 2020 (G.R. No. 225 of 2020) registered for the alleged offences under Section 395 of the Indian Penal Code.

As per prosecution case, 7-8 dacoits on the gun point took away Rs. 4,50,000/- and a locket from the informant who had been coming on his truck after unloading a consignment of cement at Purnea. The money looted was the price of cement and the hiring charges of the vehicle. The name of the



petitioner transpired as one of the accused persons.

The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and nothing incriminating has been recovered from his conscious possession. The petitioner's name came up as an accused in the confessional statement of co-accused Doman Yadav, Umesh Yadav and Vijay Yadav. Till date no Test Identification Parade has been conducted. The petitioner has been named in this case as he was having some criminal antecedent and except for confessional statement, there is nothing against him. Charge-sheet has been submitted and the petitioner is in custody since 21.02.2022. Other similarly placed co-accused have been granted bail by the learned court below.

Learned APP opposes the prayer for bail.

Having regard to the submissions made on behalf of the parties and considering the fact that the no recovery has been shown from this petitioner and there appears nothing of substance against this petitioner on record and further considering the period of his custody and the submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty



thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 26 of 2020 (G.R. No. 225 of 2020), subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be Abhishek Raj, son of the petitioner, who has sworn the affidavit in this case.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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