

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45299 of 2021**

Arising Out of PS. Case No.-460 Year-2017 Thana- RAJAON District- Banka

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Dharcha @ Vikash Yadav, S/O Shaligram Yadav, R/O Village-Phulhara, P.S-
Barahat, District-Banka.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 14-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner, who is in custody since 21.06.2021,
seeks regular bail in connection with S.T. No. 216 of 2019,
arising out of Rajoun P.S. Case No. 460/2017, for the offence
punishable under Section 394 of the Indian Penal Code.

The prosecution case, in brief, is that while the
informant Khushi Ram Rai @ Pintu Kumar was going to Birpur
(Supaul) from Jethaur by driving Truck bearing Registration No.
BR-11GA-0761, then in the way near Ajit Nagar, three-four
miscreants committed robbery of Rs.10,000-15,000/-, kept

inside the cabin of informant's truck. It is further alleged that on protest, one of the said miscreants fired gunshot upon the informant due to which the informant sustained injury. FIR is against unknown.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has committed no offence. Petitioner has been falsely implicated in this case due to previous grudge and enmity. He was never put on TIP. He further submits that petitioner is not named in the FIR rather on the basis of confessional statement of co-accused Rajesh Yadav, the petitioner has been made accused in the present case. The co accused Rajesh Yadav has already been released on bail vide order dated 10.01.2018 passed in Cr. Misc. No. 63458 of 2017 and other co-accused namely, Deepak Kumar Yadav @ Deepak Kumar @ Deepak Yadav has also been released on bail vide order dated 17.02.2018 passed in Cr. Misc. No. 9410 of 2018. Petitioner being similarly situated be also released on bail.

Learned APP for the State has opposed the prayer for grant of bail to the petitioner.

Considering the fact that nothing has been recovered from the possession of the petitioner. Other co-accused on whose confessional statement the petitioner has been roped in

the present case, has already been released on bail, as well as, the fact that the counsel for petitioner has made specific statement in paragraph-3 of the bail application that the petitioner has clean antecedent. There is no allegation of tampering the evidence or influencing the witnesses and the trial of the petitioner is not likely to be completed in near future due to pandemic of Covid-19, the Court below is directed to obtain criminal antecedent report of the petitioner from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner, as what has been stated in paragraph No.3 of the present bail application filed on behalf of the petitioner, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Banka, in connection with S.T. No. 216 of 2019, arising out of Rajoun P.S. Case No. 460 of 2017, subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

ravishankar/-

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