

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45905 of 2021

Arising Out of PS. Case No.-44 Year-2017 Thana- PARASBIGHA District- Jehanabad

DINESH YADAV S/o BILASH YADAV R/o VILLAGE-TATARPUR, P.S-
KAKO O.P.-BHELAWAR, DISTRICT-JAHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Shekhar, Adv.

For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-02-2022 The matter has been listed today for consideration
through virtual mode.

Heard learned counsel appearing on behalf of the
petitioner as well as learned Additional Public Prosecutor
appearing for the State.

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

Petitioner who is in custody since 07.05.2021 seeks
regular bail in connection with Parasbigha P.S. Case No.44/2017
registered for the offence punishable under Section 392 of the
IPC later on under Sections 395 and 412 of the Indian Penal
Code.

Prosecution case in brief is that on 19.04.2017 at
about 10.00 hours, while the informant reached near Mai Halt,
one Bolero overtook and stopped in front of his vehicle and 3-4



accused persons looted cash, mobile etc. from the possession of the informant and also took away his pick-up van bearing Registration No. BR-028582.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has not been named in the FIR and the FIR has been lodged against the unknown persons. The name of the petitioner has surfaced on the basis of confessional statement of one co-accused Prem Kumar @ Manoj Kumar in course of investigation. Charge sheet has already been submitted. However, the investigation is pending against the non FIR co-accused persons. He further submits that petitioner is innocent and he is in custody since 07.05.2021. He also submits that other co-accused persons have already been released on bail by different Benches of this Hon'ble Court vide order dated 27.07.2017 passed in Cr. Misc. No.34337/2018, order dated 16.08.2017 passed in Cr. Misc. No.38234/2018 and order dated 19.01.2022 passed in Cr. Misc. No.40862/2021.

Learned APP for the State, however, opposes the prayer for grant of bail to the petitioner.

Considering the above-mentioned facts and circumstances of the case as well as there is no allegation of tampering the evidence or influencing the witnesses and trial is



also not likely to be concluded soon due to COVID-19, the court below is directed to verify the criminal antecedent of the petitioner and if it is found that no other case is pending against him as what has been stated in paragraph no.3, the petitioner above named, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned CJM, Jehanabad in connection with Parasbigha P.S. Case No.44/2017, 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.

(Purnendu Singh, J)

Prakash Narayan /-

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