

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48379 of 2021

Arising Out of PS. Case No.-573 Year-2019 Thana- MAKHDUMPUR District- Jehanabad

Pappu Yadav @ Pintu Son of Jehal Yadav Resident of village - Sujatpur, P.S.-
Ghoshi, District - Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

The petitioner seeks bail in connection with
Makhdumpur (Tehta) P.S. Case No. 573 of 2019 instituted for
the offences under Sections 395, 396 and 397 of the Indian
Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 30.09.2020 and charge-sheet has
been submitted in the case.

Learned counsel for the petitioner submits that
allegation in the F.I.R. is that 5-6 unidentified perpetrators in the
age group of 25-26 years with their faces covered entered the
house of the informant through terrace and shot her husband
who died and they indulged in looting of various articles.



Keeping in view the allegations, the petitioner's counsel submits that none has been named in the F.I.R. Narration of the occurrence is such that there is no chance of identification of the petitioner and till date, petitioner has not been put on T.I.P. It is further submitted that on the basis of extra-judicial confessional statement of one of the co-accused from whose possession certain looted articles have been recovered, the petitioner has been implicated. It is further submitted that similarly situated co-accused have been granted bail in Cr. Misc. No. 24891 of 2020, Cr. Misc. No. 25744 of 2020, Cr. Misc. No. 36417 of 2020, Cr. Misc. No. 30483 of 2020 and Cr. Misc. No. 33981 of 2020.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner has antecedent of fourteen cases as mentioned in paragraph '3' of the bail application.

Considering the fact that the petitioner is in custody since 30.09.2020, charge-sheet has been submitted in the case and the similarly situated co-accused have been granted bail, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Makhdumpur (Tehta) P.S. Case No. 573 of 2019 with condition that one of the bailors shall be the father of the petitioner (Jehal Yadav).

The petitioner after being released from the case will mark his attendance in the concerned police station in between 25-30 of every month commencing after his release from custody till framing of charge. In the event, if it is reported by the concerned police station that the petitioner after being released has not marked his attendance in between the aforesaid dates in any of the month before framing of charge, the learned court below will forthwith cancel his bail bonds. Further, the learned court below will also ensure to seek a report from the concerned police station on the last date of every month as to whether the petitioner after his release from the case is marking his attendance in the police station or not, as directed, till framing of charge.

(Satyavrat Verma, J)

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