

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49003 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- BASOPATTI District- Madhubani

BINOD YADAV, Son of Nagendra Yadav @ Nageshwar Yadav, Resident of
Village- Jogiya, P.S.- Ladaniya, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Subhash Kumar Jha, Advocate
For the Opposite Party : Ms.Sharda Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 02-03-2022 Learned counsel for the petitioner is granted two weeks' time to remove all the defects.

Heard learned counsel for the petitioner and Ms.
Sharda Kumari, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Basopatti P.S. Case No. 40 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code . He is in custody since 15.02.2021 having two criminal antecedents as stated in paragraph '3' of the application.

As per the prosecution story, the informant alleged that on 10.02.2021 at about 8:30 P.M. while one person was knocked at the door of his house, his wife told her brother to open the door and when he opened the door, one person came



there and showed pistol on her and asked her to keep silence, in the meantime, three persons also came inside the house of the informant and demanded the key of Tijori and looted seven lakhs ruppes as also mobile of Redmi company.

Learned counsel for the petitioner submits that the petitioner is in custody for more than one year, but till date no Test Identification Parade has been conducted and the petitioner has not been identified by the wife or children of the informant. It is his further submission that the police is said to have recovered a sum of Rs. 2,50,000/- of Indian currency and some foreign currencies of Nepal, Thailand and New Zealand, however the informant has not made any allegation that any foreign currency was looted from his house. It is his submission that the father of the petitioner had entered into an agreement to sell of a piece of land and the money was advanced on account of the said agreement.

As regards two criminal antecedents of the petitioner, it is submitted that the petitioner is on bail in both the cases. Learned counsel submits that the seizure list witnesses are not an independent person.

It is lastly submitted that the co-accused Jitendra Thakur has been granted bail by this Court in Cr. Misc. No.



42333 of 2021 vide order dated 15.02.2022.

On the other hand, Ms. Sharda Kumari, learned A.P.P. for the State submits that the recovery of a substantial amount of Rs. 2,50,000/- and the foreign currencies as well from the house of the petitioner, there is incriminating material against him. It is further submitted that the case of co-accused Jitendra Thakur is distinguishable because in case of Jitendra Thakur there is no recovery at all from his house. It is further submitted that even on account of criminal antecedent the case of this petitioner is distinguishable from that of the co-accused Jitendra Thakur.

Learned A.P.P. thus submits that taking into consideration the recoveries made from his house and the criminal antecedents of the petitioner, he does not deserve privilege of bail at this stage.

Having regard to the submissions noted hereinabove and upon noticing that there has been recovery of money including foreign currencies from the house of the petitioner and further that he has got two criminal antecedents and is said to be a member of the gang, this Court is not inclined to release the petitioner on bail at this stage.

Prayer for regular bail of the petitioner is, thus, refused.



Let the trial be expedited.

If the trial remains unconcluded within a period of nine months from the date of communication of this order, for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

