

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51036 of 2021

Arising Out of PS. Case No.-306 Year-2019 Thana- EKMA District- Saran

SONU YADAV Son of Late Harikishun Yadav Resident of Village - Asahani,
P.S.- Rasulpur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 16-08-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Raghav Prasad, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Ekma P. S. Case No. 306 of 2019 registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant, who happens to be Branch Manager of S.B.I., Ekma Branch was on his duty, five miscreants entered into the Branch in question and on the point of pistol looted Rs.



58,700/-. It is further alleged that the miscreants also assaulted the Branch Manager and cashier of the Branch.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown miscreants, however, during the course of investigation, the name of the petitioner surfaced in the confessional statement of co-accused Rahul Kumar and the said Rahul Kumar has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 62815 of 2021 vide order dated 11.05.2022. It is next submitted that this petitioner has been remanded in this case from Siswan P. S. Case No. 240 of 2019 on 01.06.2021 and since then he is in custody, however, neither the Test Identification Parade has been done nor any incriminating material has been recovered from his possession. It is lastly submitted that other co-accused persons have already been granted bail by learned co-ordinate Benches of this Hon'ble Court.

On the other hand, learned APP for the State opposes the bail application and submits that during course of investigation ample materials have come and further out of ten charge sheeted witnesses, four of them have already been examined.



Having considered the submissions made on behalf of the parties and taking into account the fact that the petitioner is neither named in the F.I.R. nor any incriminating material has been recovered from his person or possession, apart from the fact that the other co-accused persons on whose confession, the name of the petitioner has come, have already been granted bail by learned co-ordinate Benches of this Hon'ble Court and he is in custody since 01.06.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Saran at Chapra in connection with Ekma P. S. Case No. 306 of 2019, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.



- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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