

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69284 of 2021

Arising Out of PS. Case No.-280 Year-2018 Thana- UCHKAGAON District- Gopalganj

Hareram Yadav, Son of Late Birendra Chaudhary @ Birendra Yadav
Permanent Resident of Village - Molnapur, P.S.- Siwan Mufassil, District -
Siwan. At present Resident of Village - Badeya Tola Awadan Patti, P.S.-
Mirganj, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Javed Aslam, Advocate

Ms. Devika Rani, Advocate

For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP-84

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 26-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Uchakagaon P.S. Case No. 280 of 2018
registered for the alleged offences under Section 392 of the
Indian Penal Code.

As per prosecution case, three miscreants over took
the informant on motorcycle and giving blow on the helmet of
the informant snatched his motorcycle, mobile phone and Rs.



1500/- in cash. The motorcycle was unregistered as it was a new motorcycle. The name of the petitioner transpired as one of the accused persons during investigation.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case on the basis of confessional statement of co-accused Pappu Kumar which was recorded after seven months of the alleged occurrence. A raid was conducted on the joint house of the petitioner on 16.01.2019 and another case Siwan Muffasil P.S. Case No. 29 of 2019 under Sections 413 and 414 of the I.P.C. and Sections 25(1-b)a/26/25 of the Arms Act was registered against the petitioner and it has been alleged that the motorcycle was recovered in the said case was the looted motorcycle of the present case. But, nothing incriminating has been recovered from the house of the petitioner who was not present at the time of raid in his house. No Test Identification Parade has been conducted either to identify this petitioner as an accused or the motorcycle that it was the same motorcycle which was looted from the informant. Charge sheet has been submitted in this case and the petitioner is in custody since 04.02.2021. The co-accused who named this petitioner has already been granted bail vide order dated 04.12.2019 passed in Cr. Misc. No.



67388 of 2019.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the petitioner is a habitual offender and he is having criminal antecedent.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the period of custody of this petitioner along with submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IX, Gopalganj in connection with Uchakagaon P.S. Case No. 280 of 2018, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the



court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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