

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 7653 of 2022

Arising Out of PS. Case No.-84 Year-2020 Thana- EKANGARSARAI District- Nalanda

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ARUN YADAV @ TRAKVA Son of Bhola Yadav Resident of Village -
Lohanda Bakdi Ghoshi, P.s.- Hilsa, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Birendra Kumar, Advocate

For the Opposite Party/s : Mr Rana Randhir Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **03-01-2023** Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, **APP**) appearing for
the State of Bihar.

The petitioner seeks bail in Ekangarsarai Police
Station (for brevity, **PS**) Case No 84 of 2020 dated 19.03.2020
registered for the offence punishable under Section 394 of
Indian Penal Code.

There is allegation that four unknown persons have
looted the iron rod laden truck after tying the Driver.

Learned counsel for the petitioner submits that the
petitioner is not named in the First Information Report. Upon
confessional statement of co-accused Rahul Kumar in custody,
the petitioner has been implicated in this case and the same has



led to no recovery. Petitioner's implication is on account of his antecedents (6), as per disclosure in paragraph 3 of the petition. He has remained in custody since 15.05.2021. It is further submitted that co-accused Rahul Kumar has been released on bail by the Court below on 19.08.2020. Other co-accused Sunil Kumar and Somnath Yadav have also been released on bail by the Court below on 04.09.2020 and 19.08.2020 respectively. Petitioner claims benefit of parity.

Learned APP has opposed the prayer for bail. It is submitted that the petitioner's antecedents, viewed with the allegations in the background and statement of co-accused Rahul Kumar, this Court should not grant the petitioner the privilege of bail.

Having considered the rival submissions, petitioner's claim based on parity and the period of custody, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, Hilsa, Nalanda in Ekangarsarai PS Case No 84 of 2020 subject to the



following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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