

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42023 of 2023**

Arising Out of PS. Case No.-27 Year-2021 Thana- GHANSHYAMPUR District- Darbhanga

Binod Yadav S/O Bhuttu Yadav R/V. Pakri, PS. Alinagar, Dist. Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

5 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 21.11.2022, in connection with Ghanshyampur P.S. Case No. 27 of 2021, F.I.R. dated 11.02.2021 registered for the offences punishable under Section 396 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 11.02.2021 at about 12:30 A.M. someone knocked at informant's house and on opening the door three unknown persons forcefully entered his house and on gun point took Rs. 50,000/- from cupboard along with other item and fled away. When informant came outside he found his friend lying dead in pool of blood. The informant has given description of accused person and it matches description of Raushan Khan S/o Lalan Khan.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Saroj Yadav. He further submits that till date no test identification parade was conducted by the prosecution and except the confessional statement of co-accused person, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence and co-accused person Saroj Yadav who named the petitioner in the present occurrence has been granted bail by the learned Court below itself in B.P. No. 264 of 2021 vide order dated 22.01.2022, another co-accused person namely Raushan Khan has been granted bail by the learned Court below vide order dated 10.06.2021 in B.P. No. 74 of 2021, another co-accused person Ramesh Ram has been granted bail by a Coordinate Bench of this Court vide order dated 23.02.2022 passed in Cr. Misc. No. 50120 of 2021, another co-accused person namely Rajan Jha @ Rajan Kumar Jha has been granted bail by a Coordinate Bench of this Court vide order dated 24.06.2023 passed in Cr. Misc. No. 34405 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 21.11.2022.



5. The learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is sufficient material has come during investigation to suggest the involvement of the petitioner in the present occurrence and apart from the aforesaid, the petitioner is an accused in two more cases other than the present one but fairly submits from paragraph-3 of the petitioner that the petitioner is on bail in both the cases.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Biraul, Darbhanga in connection with Ghanshyampur P.S. Case No. 27 of 2021, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that 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 antecedents, the court below shall take step for cancellation 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.

(Rajesh Kumar Verma, J)

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