

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44249 of 2023

Arising Out of PS. Case No.-123 Year-2020 Thana- BARACHATTI District- Gaya

Rambhaju Yadav @ Rambhajju Yadav @ Goura @Gora, Son of Preman
Yadav, Resident of Village- Rewada, P.S. -Barachatti, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar, Adv.

For the Opposite Party/s : Mr. Anish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Barachatti P.S. Case No. 123 of 2020 dated 04.03.2020
registered for the offence punishable under Section 392 of the
Indian Penal Code.

3. The main submissions advanced by learned counsel
for the petitioner are that though there are criminal antecedents
of 27 cases against this petitioner but most of the cases of his
antecedents were lodged against unknown and in the present
matter, there is no material except the confessional statement of
co-accused namely Santosh @ Boss and the same has been
discussed in the order impugned and without any legal evidence
this petitioner has been chargesheeted in the present matter and



he has been languishing in jail since 30.01.2023 and no *Test Identification parade* was conducted despite the informant claimed in the FIR to be able to identify the accused persons.

4. Learned APP appearing for the State has opposed the bail prayer and submitted that the petitioner is a veteran criminal and against him there are criminal antecedents of 27 cases.

5. Considering the above submissions and mainly taking into account the facts that as per the order impugned, the prosecution mainly relied upon the statement of co-accused Santosh @ Boss while chargesheeting the petitioner for the alleged crime and during course of argument learned APP has not refuted the said fact and the investigation has been completed against the petitioner and he was not put on *Test Identification Parade* despite the informant having claimed in the FIR to be able to identify the accused persons, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Barachatti P.S. Case No. 123 of 2020.

6. Let a copy of this order be sent to the Director



General of Police, Bihar for taking legal action against the concerned police officials for not conducting *Test Identification Parade* despite the informant having claimed in the FIR to be able to identify the accused persons.

(Shailendra Singh, J)

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