

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60088 of 2022

Arising Out of PS. Case No.-553 Year-2021 Thana- SAHARSA SADAR District- Saharsa

Rinku Yadav, aged about 45 years, Male, Son of Satto Yadav R/v- Shaini
Tola, P.S.- Bakhtiarpur, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Saharsa P.S. Case No. 553/2021 registered for the offence punishable under Section 394 of the Indian Penal Code (for brevity 'IPC').

The informant's driver had gone to collect Rs. 8,93,170/- (eight lakhs ninety three thousand one hundred and seventy) when he has been looted of the amount.

Learned counsel for the petitioner submits that the petitioner's name has surfaced by confessional statement of the co-accused persons, namely, Subhas Yadav, and Hare Ram Yadav, who have stated that the petitioner has taken Rs. 3,00,000/-(three lakhs) from the looted amount. The submission is that other than confessional statement of co-accused, no cogent material has surfaced in the enquiry. There is no recovery from the petitioner, and his implication is only based on his criminal antecedents as per disclosure made in paragraph No. 3. The said co-accused persons who have implicated the petitioner, namely, Hare Ram Yadav, has been allowed bail in Cr. Misc. No. 2711/2022 . The petitioner is in custody upon his voluntary



surrender in the court below on 27.05.22.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, manner of petitioner's implication, claim based on parity and the fact that there is no recovery attributed to the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released 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 learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar P.S. Case No. 553/2021, 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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