

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69832 of 2023

Arising Out of PS. Case No.-73 Year-2021 Thana- KANGLI District- West Champaran

Binda Yadav @Binda Prasad Yadav@ Vivek Prasad Yadav, Son Of
Ramchandra Rai Resident Of Village- Parsa, Ps - Mahuawa (Chhauradano),
Distt- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
Mr. Rashmi Jha, Advocate
For the Opposite Party/s : Mr. Yogendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-11-2023 Heard Ms. Rashmi Jha, learned counsel appearing on
behalf of the petitioner and Mr. Yogendra Kumar, learned
Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Kangali P.S. Case No. 73 of 2021, registered for the
offences punishable under Sections 392 of the Indian Penal
Code.

3. It is alleged that while the informant alongwith his
nephew was going on his bike, in the meantime two unknown
persons intercepted his bike and on the point of pistol snatched
his bag containing three lakh forty thousand and other valuables.
It is further alleged that at a distance of hundred metres from the
place of occurrence, two other persons were standing on the



bridge on another bike and they were also appeared to be associates of the two miscreants.

4. It is submitted on behalf of the petitioner that the F.I.R. has been instituted against unknown persons, however, during the course of investigation one Rupesh Yadav @ Rupesh Kumar was apprehended and the name of the petitioner and others has sprung up in his confessional statement, however, save and except the confessional statement there is no other material suggesting the complicity of the petitioners. Moreover, the other co-accused persons whose name has transpired in the confessional statement of co-accused, Rupesh Yadav, they have been allowed the privilege of anticipatory bail. Thus, the case of the petitioner is based upon parity, that apart she lastly submits that the petitioner is a man of fair antecedent and he undertakes that he will fully co-operate in the investigation or in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application and submits that the allegation is quite serious in nature and it is a case of robbery.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused persons having exactly similar allegation have been



allowed the privilege of anticipatory bail and the parity demands similar treatment, let the petitioner above named be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Betiah, West Champaran in connection with P.S. Case No. 73 of 2021, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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