

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74391 of 2023

Arising Out of PS. Case No.-168 Year-2016 Thana- EKANGARSARAI District- Nalanda

Jai Kant Yadav @ Jai Kant Prasad, Son of Siddheshwar Prasad @ Sidheshwar Prasad, Resident of Village - Gobar Bigha @ Gvala Bigha, P.S.- Hilsa, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ekangar Sarai P.S. Case No. 168 of 2016 registered for the alleged offences under Section 395 of the Indian Penal Code.

3. As per prosecution case, dacoity was conducted in the house of the informant and dacoits took away a number of gold and silver ornaments, cash, cloths and mobile phones. The name of the petitioner transpired during investigation as one of the dacoits.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. Nothing incriminating has been recovered from the conscious possession of the petitioner, whose name transpired on the basis of confessional statement of co-accused Shashi Kapoor Ravidas @ Shashi Kapoor Mochi. Except for this confessional statement, there is no material against the petitioner. Co-accused, who named this petitioner for his involvement, has been acquitted by the learned Additional Sessions Judge-III, Hilsa, Nalanda. Informant has filed a petition before the S.D.J.M, Hilsa on 21.07.2022 stating that the petitioner was known to him before he and he was not present on the spot at the relevant point of time. Petitioner is in custody since 02.08.2023 and charge-sheet has been submitted. Petitioner is accused in four cases and he is on bail in all such cases.

5. Learned APP opposes the prayer for bail submitting that the petitioner is a member of gang of dacoits and was involved in dacoity in the night of 19.12.2016.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the acquittal of the person who named this petitioner in this case and further considering the submission of charge-sheet, the petitioner above named is directed to be released on bail on



furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Hilsa (Nalanda)/ court concerned in connection with Ekangar Sarai P.S. Case No. 168 of 2016, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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