

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4017 of 2024

Arising Out of PS. Case No.-912 Year-2023 Thana- SASARAM NAGAR District- Rohtas

Upendra Yadav Son of Late Hari Naryan Yadav R/o vill - Hariharpur, P.S. -
Shahpur, Distt. - Bhojpur (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ankush Yadav Son of Late Shiv Jee Yadav R/o vill - Hariharpur, P.S. -
Shahpur, Distt. - Bhojpur Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Pratap, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

4 10-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sasaram Nagar P.S. Case No. 912 of 2023 instituted for the offences punishable under Sections 406, 420, 379, 120(B) /34 of the Indian Penal Code.

3. The prosecution case, in short, is that on hatching a conspiracy, the petitioner and other co-accused persons have stolen the wheat loaded truck of the informant when the truck was on way to Kolkatta.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He has



falsely been implicated in this case. He is neither the driver nor Khalashi of the said truck. No specific allegation against the petitioner in the F.I.R. He has got no criminal antecedent. The other co-accused namely, Munna Pandey has already been granted bail by this Court vide order dated 29.01.2024 passed in Cr. Misc. No. 2376 of 2024. Moreover, he is languishing in judicial custody since 07.10.2023.

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

6. From perusal of the F.I.R. case diary and impugned order dated 14.12.2023, it appears that on the basis of written report of the informant F.I.R. registered against five accused persons including the present petitioner. As per F.I.R., the specific allegation against co-accused Gopal Yadav (driver of the truck) Ramjit Yadav (Khalasi of the truck) and others. Only allegation against the petitioner that he conspired with other accused persons but during investigation no consistent evidence has come against the petitioner to show his complicity in the alleged crime. Nothing has been recovered from the possession of the petitioner, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs.



10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Rohtas at Sasaram in connection with Sasaram P.S. Case No. 912 of 2023.

7. The trial Court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that **if the charge-sheet has not been submitted** then the petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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