

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5149 of 2024

Arising Out of PS. Case No.-44 Year-2023 Thana- PHULWARIYA District- Gopalganj

Krishna Yadav S/O RAMPRIT YADAV VILLAGE- JAMSAD @ JAMSAR,
PS. UCHKAGAON, DIST. GOPALGANJ.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 13-02-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Phulwariya P.S. Case No. 44/2023 registered for the offences
punishable under Sections 395 and 397 of the Indian Penal Code
and Section 27 of the Arms Act.

3. As per prosecution case, six unknown miscreants
made intrusion in the jewellery shop of the informant. It is
alleged that they assaulted the informant and also inflicted gun
shot injury to the informant's son and looted golden and silver
jewellery from his shop.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The name of the petitioner transpired in this case on the
basis of confessional statement of co-accused Pankaj Yadav.



Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner has been remanded in this case on 20.07.2023 from Delhi Special Cell Case No. 82/2023 and since then he is languishing in jail custody. The petitioner bears criminal antecedent of three cases and in all cases he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has been roped in one case after another in a routine manner. He further submits that the petitioner has not been put on T.I. Parade and charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar and identical allegation, co-accused Rehan Khan @ Golden and Ranjit Goswami have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.71861/2023 and Cr. Misc. No.70782/2023 respectively and on the principle of parity, the petitioner also deserves same treatment.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused have already been granted



bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XVI, Gopalganj or it's successor in office in connection with Phulwariya P.S. Case No. 44/2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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