

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20265 of 2024

Arising Out of PS. Case No.-75 Year-2023 Thana- BANDHUWA KURAWA District- Banka

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RUPESH YADAV SON OF SANTOSH YADAV @ SHANTU YADAV R/O-
BASMATTA, P.S.-KATORIYA, DISTT.-BANKA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bakshi S.R.P. Sinha, Sr, Adv
		Mr. Sanjay Kumar Jha, Adv
For the Opposite Party/s	:	Mr.Binod Kumar

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Bandhuva Kurava P.S. Case No. 75/2023 lodged on 25.08.2023
under Section 302, 201, 120B of the Indian Penal Code.

3. As per the prosecution case, F.I.R. has been lodged
against two named and unknown accused persons excluding the
present petitioner.

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



also submits that that the name of the petitioner is not named in the F.I.R., his name has been figured in this case only by virtue of confessional statement of the named accused save and except no other material has come. Counsel further submits that the criminal antecedent of the petitioner is not clean and there is one cases pending against him in which he is on bail. The petitioner is in custody since 22.11.2023. Counsel submits that on earlier occasion case-diary has been called for. Upon perusal of the case-diary, it transpires that the accused namely Rojan Ansari has disclosed the name of the petitioner about commission of the crime.

5. Counsel further submits that the named accused namely Rojan Ansari has been granted bail by the co-ordinate Bench of this Court vide order dated 09.04.2024 passed in Cr. Misc. No. 6754 of 2024.

6. Learned APP for the State opposes the prayer for bail but fairly submits that save and except confessional statement no material has come against the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named by granted bail after framing of charge, if the charge is not framed yet and on furnishing bail bonds of Rs. 30,000/- (Rupees



Thirty thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate-1st Class, Banka in connection with Bandhuva Kurava P.S. Case No. 75/2023 subject to the condition laid down under Section 437(3) of the Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8.However, the petitioner shall be granted bail only on



being satisfied by the Trial Court that the petitioner is not absconding in Kurava P.S. Case No. 76 of 2023 pending against him.

(Dr. Anshuman, J)

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