

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38739 of 2024

Arising Out of PS. Case No.-68 Year-2021 Thana- AAJAM NAGAR District- Katihar

Shankar Yadav @ Sankar Yadav @ Golu S/O VYANJAN YADAV R/O
VILLAGE AND P.O. TOLA BARIYARPUR, P.S.- BARIYARPUR, DIST-
Munger.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Roy

For the Opposite Party/s : Mrs.Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 15-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Azamnagar (Salmari O.P.) P.S. Case No. 68/2021 registered for the
offences punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, four miscreants on two
motorcycles arrived at cash counter of Sidhivanayak Petrol Pump,
Hajinagar and on the point of pistol, looted Rs. 2 lakhs cash and
fled away.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence as alleged in
the FIR and he has falsely been implicated in this case. He further
submits that petitioner is not named in the FIR and his name has
been surfaced on the confessional statement of co-accused Ajay



Mandal. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. He further submits that the petitioner has not been put on T.I.P uptill now. The petitioner is languishing in custody since 09.12.2022 and bears criminal antecedent of 08 cases. Learned counsel for the petitioner orally submits that in all 08 cases petitioner is on bail. The petitioner has been roped in a case one after another in a routine manner. Nothing has been recovered from the house of the petitioner or his physical possession. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. On similar allegation, co-accused Deepak Kumar has already been granted bail by this Court vide Cr. Misc. No.60566/2023 and on the principle of parity, the petitioner also deserves same treatment. He further submits that delay of trial is not in any way attributable to the petitioner as he is in custody more than one year and six months.

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

6. Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and



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 Chief Judicial Magistrate, Katihar in connection with Azamnagar (Salmari O.P.) P.S. Case No. 68/2021, 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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