

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43055 of 2024

Arising Out of PS. Case No.-16 Year-2022 Thana- BHARGAMA District- Araria

Sipak Yadav @ Ambedkar Kumar Amar @ Ambedkar Yadav s/o Birendra
Yadav R/o Village- charne, P.S.-Chhatapur, District-Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prafull Chandra Thakur, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

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
Bhargama P.S. Case No. 16 of 2022 registered for the offences
punishable under Sections 394, 302 of the Indian Penal Code
and section 27 of the Arms Act.

3. As per prosecution case, when the son of the
informant after withdrawing money from Bank at Sirsia Kala
proceeded to Mahtawa and reached JBC Bridge, 4 unknown
miscreants on motorcycles surrounded him and tried to snatch
away cash and ATM, on protest, they fired as a result of which
he died on the spot.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has not committed any offence as

alleged in the first information report. Petitioner is not named in the first information report and his name has surfaced in this case on the confessional statement of the co-accused Anil Yadav. Except the confessional statement of the co-accused, there is nothing on the record to connect this petitioner with the alleged offense. No incriminating material has been recovered from the possession of this petitioner. Petitioner has not been put on T.I.P. Petitioner has criminal antecedent of two cases in which he is on bail and because of having criminal antecedents he has been falsely implicated in this case. Charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that co-accused Anil Yadav has already been granted bail by this Court vide order dated 24.01.2023 passed in Cr. Misc. No. 39396 of 2022 and the case of the present petitioner stand more or less on similar footing. Petitioner is in custody since 04.03.2024.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the

prosecution evidence, argument advanced on behalf of both sides and the fact that similarly situated co-accused has been granted bail by this Court, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Supaul in connection with Bhargama P.S. Case No. 16 of 2022, 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 tamper 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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