

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49408 of 2024

Arising Out of PS. Case No.-176 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

Ashok Yadav Son of Dasharath Yadav Resident of Vill- Pakhanari, P.S.-
Shivsagar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Babu Nandan Prasad, Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 23-08-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kudra P.S. Case No. 176 of 2023 registered for the offences punishable under Sections 392, 395, 397, 412, 414, 401 of the Indian Penal Code read with Sections 25(1-B)a, 26 of the Arms Act.

3. As per prosecution case, on 22.05.2023 in the midnight the informant alongwith his friends was returning after completing video recording in a marriage ceremony and when they reached at over-bridge at Lalapur, two miscreants on motorcycle stopped them and on the point of Katta miscreants snatched Vivo mobile, purse and ATM card from the informant. The miscreants also snatched purse and ATM cards from



Deepak Kumar Pal. It is further alleged that two other miscreants also came there and on the point of pistol they also looted the videography camera, Vivo company mobile and purse alongwith Apache motorcycle. FIR has been lodged against unknown miscreants.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of present petitioner surfaced in this case on the basis of confessional statement of co-accused Nitish Yadav, as mentioned in Para 107 of the case diary. 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 is languishing in custody since 16.02.2024 and bears criminal antecedent of fourteen cases in which he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has not been put on T.I. Parade till date. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that co-accused Nitish Yadav upon whose confessional statement the



name of petitioner has been transpired in this case, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.83654 of 2023. He further submits that co-accused Vijendra Yadav has already been granted bail by this Court vide Cr. Misc. No. 79614 of 2023 and the case of present petitioner stands more or less on similar footing.

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 has 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 Judicial Magistrate-1st Class, Mohania, Kaimur in connection with Kudra P.S. Case No. 176/2023, 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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