

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53742 of 2024**

Arising Out of PS. Case No.-91 Year-2022 Thana- DEEPNAGAR District- Nalanda

Jaiki Yadav @ Jaiki Prasad Yadav son of Siyanand Singh @ Shiyanand Yadav  
Village- Dost Mohammadpur Ps- Fatuha Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Ms. Mukul Kumari, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      09-08-2024                      Heard Ms. Mukul Kumari, learned counsel for the  
petitioner and Mr. Md. Fahimuddin, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 18.01.2024, in connection with Deepnagar P.S. Case No. 91 of 2022, G.R. No. 772 of 2022, F.I.R. dated 25.02.2022 registered for the offences punishable under Section 395 of the Indian Penal Code.

3. The F.I.R. of the occurrence of *dacoity* is against unknown.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. She further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused



person namely Bijendra Kumar and nothing has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution. She further submits that the said Bijendra Kumar @ Vijendra Kumar has been granted bail by this Court vide order dated 17.05.2024 passed in Cr. Misc. No. 31438 of 2024, another co-accused Tusan Gope has been granted bail by tthis Court vide order dated 20.04.2023 in Cr. Misc. No. 2595 of 2023 as well as another co-accused person namely Deepak Kumar @ Baso has been granted bail by a Coordinate Bench of this Court vide order dated 26.07.2023 passed in Cr. Misc. No. 44640 of 2023 respectively. She further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 18.01.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the name of the petitioner has been transpired on the basis of disclosure made by co-accused person and apart from that the petitioner carries eleven more cases of almost similar nature and out of eleven cases, the petitioner is on bail in eight cases as mentioned in paragraph-3 of the bail petition.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bihar Sharif, Nalanda in connection with Deepnagar P.S. Case No. 91 of 2022, G.R. No. 772 of 2022, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

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**(Rajesh Kumar Verma, J)**

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