

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56831 of 2024

Arising Out of PS. Case No.-93 Year-2019 Thana- JANKINAGAR District- Purnia

Rupesh Yadav @ Rupesh Kumar S/o Umesh Yadav @ Ugen Yadav Resident
Of Village - Belsara, Police Station - Raniganj, Distt - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-08-2024 Heard Mr. Arun, learned counsel for the petitioner
and learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Jankinagar P.S. Case No. 93 of 2019
registered for the offence punishable under Section 395 of the
Indian Penal Code.

3. While the informant was on duty at petrol pump, in
the meantime, six unknown miscreants arrived there on three
motorcycles and on the point of pistol, looted away
Rs.1,75,000/-.

4. It is contended on behalf of the petitioner that the
FIR has been instituted against unknown miscreants. However,
during the course of investigation, the name of the petitioner
sprung up on the confessional statement of co-accused Madhav



Mirnal; except the confessional statement, there is no other material. It is further contended that besides the present one, the petitioner faces seven criminal cases, out of which he has been acquitted in three cases. It is also the contention of the petitioner that neither the petitioner has been put on T.I. parade nor any incriminating material has been recovered. The petitioner has been incarcerated since 20.10.2020 and till date the trial has not been commenced.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the petitioner is carrying seven criminal antecedent over his head.

6. Regard being had to the submissions made on behalf of the parties and considering the period of incarceration and the fact that the entire case is based on the confessional statement and there is no other material suggesting complicity of the petitioner and moreover criminal antecedent of a person cannot be a sole ground to keep him behind the bar for an indefinite period, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned court below, Purnea in connection with Jankinagar P.S. Case No. 93 of 2019, subject to the condition that one of the



bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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