

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57829 of 2024

Arising Out of PS. Case No.-61 Year-2021 Thana- BAKHARI District- Begusarai

Deepak Yadav @ Dilip Yadav son of Lakshmi Yadav village- Chhechhni
Narpa, PS- Bithan, Dist- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Kumar

For the Opposite Party/s : Mr. Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T.
No.988/2022 (The State of Bihar Vs. Deepak Yadav) arising out
of Bakhri P.S. Case No. 61/2021 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

3. As per prosecution case, miscreants looted the
informant by stopping the truck and took away Rs.40,000/-,
ATM Card and Aadhar Card etc. by pointing the weapon. FIR
has lodged against three unknown miscreants riding on a
Apache motorcycle.

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
petitioner transpired in this case during course of investigation



on the basis of confessional statement of co-accused Keshav Ishwar @ Aditya Raj. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating articles has been recovered from the possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner had been arrested in Bakhri P.S. Case No. 120/2021 for offences under Section 25 (1-b)a, 26 and 35 of the Arms Act and from said case petitioner has remanded in this case on 18.08.2021 and since then he is rotting in jail. The petitioner bears criminal antecedent of 07 cases and in all cases he is on bail. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. The petitioner was not put on T.I. Parade. He further submits that co-accused Keshav Ishwar @ Aditya Raj upon whose confession, the name of the petitioner transpired in this case, has already been granted bail by this Court vide Cr. Misc. No.8023/2022 and the case of present petitioner stands on better 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, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IIInd, Begusarai in connection with S.T. No.988/2022 (The State of Bihar Vs. Deepak Yadav) arising out of Bakhri P.S. Case No. 61/2021, 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.

(iv) If the petitioner is found involved in similar



nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(v) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(vi) Petitioner shall not live the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(Alok Kumar Pandey, J)

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