

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61344 of 2024

Arising Out of PS. Case No.-981 Year-2022 Thana- MOTIHARI TOWN District- East
Champaran

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Someshwar Prasad Yadav @ Someshwar Rai @ S P Yadav Son Of Lalbabu
Rai Resident Of Village - Laluwa, P.S. - Ghorasahan, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 23-08-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2 The petitioner seeks bail in connection with Town
Motihari P.S. Case No. 981 of 2022 instituted for the offences
under Section 395 of the Indian Penal Code.

3. The prosecution case, in short, is that five unknown
miscreants entered into the Instakart Services Pvt. Ltd. at
Deoraha Baba Chowk and, on the pistol point, looted an amount
to the tune of Rs. 5,79,898/-.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case



due to highhandedness of the police. Petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Rana Pratap Yadav and the same has no evidentiary value. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. No T.I.P. has been held in this case as yet. The petitioner has nine criminal antecedents and is languishing in judicial custody since 12.12.2023 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused has been granted bail by this Court *vide* order dated 28.06.2024 passed in Cr. Misc. No. 46661 of 2024.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, 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 Court



below/concerned Court in connection with Town Motihari P.S.
Case No. 981 of 2022, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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