

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73744 of 2024

Arising Out of PS. Case No.-251 Year-2019 Thana- SONO District- Jamui

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Bhim Yadav Son of Umesh Yadav Resident of Village - Borba, Police Station
- Jhajha, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ruchi Mandal, Adv.

For the Opposite Party/s : Mr.Binod Kumar, APP

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

ORAL ORDER

3 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sono
P.S. Case No. 251 of 2019 instituted for the offences under
Sections 399, 402 of the Indian Penal Code and Section 25(1-
b)a, 26 and 35 of the Arms Act.

3. As per prosecution case, the allegation against the
petitioner is that on the day and time of occurrence, he along
with 10-15 co-accused persons were assembled with arms and
ammunition for committing *dacoity*. The police on receipt of
secret information raided and caught some of the accused
persons and recovered arms and ammunition from their
possession. The petitioner succeeded in fleeing away from there.



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. The petitioner is not named in the F.I.R. and his name has surfaced in this case on the basis of the confessional statement of the arrested co-accused Dagan Yadav. Except confessional statement, there is nothing against the petitioner and, thus, nothing concrete has come against the petitioner. There is also no material evidence against the petitioner of being involved in the alleged occurrence. The petitioner has no concern with the alleged occurrence. There is a non-compliance of Section 100 of the Cr.P.C. which creates a serious doubt in the prosecution case. The petitioner has six criminal antecedents and is languishing in judicial custody since 20.07.2024 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Sudhir Kumar and Dugan Yadav @ Rakesh Kumar have been granted bail by a Co-ordinate Bench of this Court vide order dated 01.06.2020 passed in Cr. Misc. No. 4849 of 2020.

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 Sono P.S. Case No. 251 of 2019, 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)

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