

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76835 of 2023**

Arising Out of PS. Case No.-20 Year-2022 Thana- NAUGACHHIYA RAIL P.S. District-
Khagaria

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BINOD YADAV SON OF NUNULAL YADAV RESIDENT OF VILLAGE-
KHERIYA PS- KURSELA DISTRICT- KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Aggrawal, Sr. Advocate Mr. Amar Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ram Naresh Ray, APP

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**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER**

5 09-02-2024 1. Heard learned senior counsel for the petitioner
and learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sessions Trial Case No. 83 of 2023, G.R. (Rail) No. 69/2022
arising out of Naugachiya Rail P.S. Case No. 20 of 2022, dated
25.06.2022 registered for the offences punishable under
**Sections 392, 395, 412, 120B, 201 of the Indian Penal Code
and Section 27 of the Arms Act.**

3. The main submissions advanced by learned senior
counsel for the petitioner are that this is second attempt of the
petitioner to get the relief of regular bail after his earlier prayer
for the same relief was rejected by this Court vide order dated
29.04.2023 passed in Cr. Misc. No. 66376 of 2022 and as per



allegation, the petitioner was simply in the contact with co-accused persons through mobile communication and the co-accused persons namely, Umesh Kumar Yadav @ Uma Yadav, Mukesh Yadav, Raj Kumar Yadav, Raj Raman @ Rajan Choudhary, Bikram Jaiswal @ Bikki and Raju Mandal etc., who are said to be in contact with the petitioner, are on bail, including the main accused namely, Santosh Kumar Soni who is stated to be the mastermind of the alleged occurrence of loot and against the petitioner there is no any incriminating evidence except the said mobile communication and during investigation, the police failed to get the petitioner identified by the victims through test identification parade and no recovery of any part of the looted ornaments was made from his possession and the petitioner has been languishing in jail since 02.07.2022 and his case stands on better footing from the co-accused persons who are on bail and the investigation has been completed against 18 accused persons out of 20 accused persons. Further submissions are that the petitioner is not named in the FIR and during investigation, some co-accused persons in their statements made before the police revealed the petitioner's involvement in the alleged occurrence which has no evidentiary value. Further submission is that though against the petitioner there is criminal



antecedent of two cases but he is on bail in both the said cases.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner and submitted that the instant matter relates to loot of several ornaments worth of Rs. 1,42,34,664/- and petitioner's mobile location was found near the place of occurrence and he was in the contact with other co-accused persons who were involved in the alleged crime of loot.

5. Heard both the sides. Though, the instant matter relates to the serious offence of loot which was committed in a very planned manner but as several co-accused detailed above including main accused Santosh Kumar Soni are on bail whose case stands on similar footing with the petitioner and in respect of petitioner's involvement in the alleged crime, the prosecution is mainly relying upon the mobile communication between the petitioner and co-accused persons and petitioner's phone's tower location near place of occurrence but except this, no other incriminating material has been pointed out against the petitioner by the prosecution and the investigation has been completed against 18 accused persons out of 20 accused persons and the petitioner has been languishing in jail since 02.07.2022. Considering these facts, the petitioner is now entitled to the relief of bail. Accordingly, let the petitioner named-above be



enlarged on bail on furnishing of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial Case No. 83 of 2023, G.R. (Rail) No. 69/2022 arising out of Naugachiya Rail P.S. Case No. 20 of 2022.

(Shailendra Singh, J)

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