

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22438 of 2025

Arising Out of PS. Case No.-235 Year-2022 Thana- MAIRWAN District- Siwan

Abhishek Yadav @ Abhishek Kumar Yadav S/o Beer Bahadur Yadav Resident
of Village -Khorawar, PS- Bankat, Distt.- Deoriya (U.P) Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-06-2025 Heard Mr. Gajendra Kumar Singh, learned counsel

for the petitioner and Mr. Ram Sumiran Rai, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
11.01.2025 in connection with Mairwa P.S. Case No. 235 of
2022, F.I.R. dated 10.06.2022 for the offences punishable under
Section 395 of the Indian Penal Code.

3. According to prosecution case, six accused persons
armed with weapons entered into the bank and on the point of
pistol they looted Rs. 2,80,410/- from the cash counter and fled
away.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
petitioner is not named in the F.I.R. and the name of the
petitioner has been transpired during investigation on the basis
of the confessional statement of the co-accused, namely,



Sugreev Yadav which was recorded in paragraph no. 26 of the case diary. He further submits that except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sugreev Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 29.03.2023 passed in Cr. Misc. No. 69966 of 2022 and another co-accused, namely, Sachin Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 11.04.2023 passed in Cr. Misc. No. 6864 of 2023. The petitioner is in custody since 11.01.2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, his name has been transpired on the basis of the confessional statement of the co-accused person, namely, Sugreev Yadav who has granted bail by a Co-ordinate Bench of this Court, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned Additional Chief Judicial Magistrate VII, Siwan in connection with Mairwa P.S. Case No. 235 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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