

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39253 of 2025

Arising Out of PS. Case No.-133 Year-2008 Thana- BELHAR District- Banka

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Bikash Yadav @ Vikash Yadav, S/o Sohindar Yadav, Resident of Village-
Ashotha, P.S.-Shambhuganj, District- Banka Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-07-2025 Heard Mr. Dhananjay Kumar Pandey, learned counsel

for the petitioner and Mr. Suresh Prasad Singh, learned APP for

the State.

2. Petitioner seeks regular bail in connection with S.T.

No. 463 of 2011 arising out of Belhar P.S. Case No. 133 of 2008

registered for the offences punishable under sections 395 and 412

of the Indian Penal Code.

3. The main submissions advanced by petitioner's

counsel are that the instant matter relates to dacoity committed in

the year 2008 in the house of the informant by seven unknown

persons and the petitioner has been dragged in the present case

mainly on the basis of confessional statement of co-accused Ketu

Yadav but except this, there is no material to show his

involvement in the alleged crime of dacoity and in the rejection

order, the learned Additional Sessions Judge, Banka has

mentioned that the co-accused Ketu Yadav accepted that he had



sold out the looted ornaments to co-accused Rajesh Kumar Bhagat @ Rajesh Baghat and Mukesh Kumar Bhagat @ Mukesh Bhagat, who were later arrested and accepted that they had melted the purchased ornaments, so, in such a situation, it was not possible to identify the said melted ornaments as being the subject matter of the dacoity and it has been wrongly mentioned by the learned trial court that a part of the looted ornaments was recovered from the possession of this petitioner. It has been further submitted that the petitioner has fair and clean antecedent and has been languishing in jail since 19.04.2025 and against him the investigation has been completed and his trial has started by framing the charges upon him on 01.05.2025 and thereafter, there is no progress in his trial. It is lastly submitted that the main co-accused Ketu Yadav, upon whose statement the petitioner has been dragged in this case, has already been granted bail since back in the year 2012 and it is not the case of escaping of this petitioner from the investigation agency.

4. Learned APP for the State has opposed the prayer of the petitioner.

5. Considering the aforesaid submissions made by petitioner's counsel and mainly taking into account the petitioner's fair and clean antecedent, completion of investigation against him as well as commencement of his trial coupled with



aforesaid defence that neither any incriminating material nor any part of the looted ornaments, was recovered from his possession after he was taken into custody, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the court concerned in connection with S.T. No. 463 of 2011 arising out of Belhar P.S. Case No. 133 of 2008, on following conditions : -

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.

(ii) If the petitioner tampers with the evidence or the witnesses then the prosecution will be at liberty to move for cancellation of bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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