

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60709 of 2025

Arising Out of PS. Case No.-9 Year-2017 Thana- MOKAMAH District- Patna

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Bogi Yadav @ Pawan Yadav S/o- Lutan Yadav Village-Dargahi Tola P.S-
Pandarak District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-09-2025 Learned counsel for the petitioner seeks permission to
make necessary correction in paragraph-3 of the petition in
course of the day.

02. He is permitted to do so in course of the day.

03. Heard learned counsel for the petitioner and
learned APP for the State.

04. In the present case, the petitioner seeks bail in
connection with Mokama P.S. Case No. 09 of 2017 registered for
the alleged offences under Section 395 of the Indian Penal Code.

05. As per prosecution case, while the informant had
been transporting rice on his truck, 7-8 persons overtook his
truck and at gunpoint, took away his truck along with rice loaded
on it. The miscreants also took away the informant and his
associate with them, who were subsequently released by the
miscreants. The name of the petitioner transpired during



investigation for being involved in the alleged occurrence.

06. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner and his name came up in this case on the basis of confessional statement of co-accused, Rajeev Kumar. Except for the confessional statement of co-accused, there is no material against the petitioner to show his involvement in the aforesaid occurrence. Even in his confessional statement, the co-accused only revealed that petitioner was his friend, though the co-accused named another person who sold the rice. Learned counsel further submits that the petitioner has not been put to any test identification parade. Learned counsel further submits that similarly situated co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 20.03.2023 passed in Criminal Misc. No. 66393 of 2022 and order dated 24.03.2023 passed in Criminal Misc. No. 74670 of 2022. The petitioner is having antecedent of one case in which he is on bail. The petitioner is in custody since 24.06.2025.

07. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that the name of the petitioner surfaced in this case after he was named by the co-accused.



08. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to similarly placed co-accused and also considering the period of custody of the petitioner, the petitioner above named is directed to 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 learned Additional Chief Judicial Magistrate-III, Barh, Patna/court concerned in connection with Mokama P.S. Case No. 09 of 2017, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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