

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1692 of 2025

Arising Out of PS. Case No.-614 Year-2023 Thana- BANKA District- Banka

Sunil Yadav Son of Shivnarayan Yadav Resident of village - Asanghatta,
Police Station - Katoriya, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 17-01-2025 Heard Mr. Praveen Kumar, learned Advocate

appearing on behalf of the petitioner and the learned APP for the

State.

2. This is an application for grant of bail to the
petitioner who is in custody in connection with Banka P.S. Case
No. 614 of 2023 registered for the offence punishable under
Section 392 of the Indian Penal Code.

3. Based on the *fardbeyan* of the informant, the
prosecution alleges that on the fateful day while the informant
was returning to his CSP Centre after withdrawing cash amount
of Rs. 1,40,500/-, in the meantime, two miscreants riding on
Apache motorcycle came and dashed the informant. The
miscreants surrounded the informant and after assaulting him,
snatched his mobile. The miscreants on the point of pistol looted
one lakh rupees after breaking the dickey of the motorcycle



alongwith other valuables. The informant disclosed the registration number of Glamour motorcycle as BR 51C 2472 which was used in the crime.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants, however during the course of investigation the name of the petitioner transpired on the confessional statement of Chandan Kumar. The FIR clearly suggests that the motorcycle, which is said to have been used in the crime, belongs to Chandan Kumar and recovered from his house. The petitioner is none else but the brother-in-law of said Chandan Kumar and only on account of this fact his name has been implicated in this case. Drawing the attention of this Court to the impugned order, it is submitted that the prayer for bail of the petitioner was rejected taking note of the fact that in the case diary, especially paragraph-40 of the supplementary case diary, the confessional statement of the petitioner was recorded which led to recovery of the motorcycle, used in the occurrence, from the house of in-laws of the petitioner. The aforesaid fact has been explained hereinabove that the motorcycles belongs to co-accused Chandan Kumar and recovery has been made from his house, who happens to be brother-in-law of the petitioner. Learned Advocate further



contended that co-accused Chandan Kumar has been accorded the privilege of bail by this Court in Cr. Misc. No. 47342 of 2024 vide order dated 10.07.2024 taking note of the fact that neither the petitioner nor the motorcycle has been put on Test Identification Parade in order to examine the veracity of the allegation. It is lastly contended that be that as it may the petitioner bears fair antecedent.

5. On the other hand, learned APP for the State vehemently opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the entire case is based on confessional statement, coupled with the fact that neither the petitioner nor the motorcycle has been placed on TIP, as also the co-accused person, on whose confessional statement the name of the petitioner has transpired, has been accorded the privilege of bail by this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 614 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-



(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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