

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35138 of 2023

Arising Out of PS. Case No.-486 Year-2015 Thana- BARH District- Patna

SONU YADAV @ SONU GOPE S/O SHANKAR YADAV R/O Village-
Mehadi Bigha, P.S.-Chandi, District-Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Barh P.S. Case No.486 of 2015 registered for the offence under
Sections 395 of the Indian Penal Code.

3. The accused/petitioner is not named in the
F.I.R. and is in custody since 02.11.2022.

4. The allegation against the petitioner is to
commit dacoity along with other co-accused persons and while
committing so, taken away a motorcycle, belong to the
informant.

5. Learned counsel appearing on behalf of the
petitioner submitted that name of the petitioner surfaced, during
course of investigation, on the basis of confessional statement of



co-accused, namely, Shanker Ravidas, where, in furtherance thereof, no incriminating material recovered, as to connect this petitioner, *prima facie*, with present occurrence of dacoity. It is submitted that petitioner was not put on TIP, as yet. It is also submitted that said co-accused, Shankar Ravidas has already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No.36047 of 2016 dated 08.09.2016. While concluding the argument, it is also submitted that petitioner involved in 05 more criminal cases, where, he on bail and in most of the cases, his name surfaced on the basis of confessional statement of other co-accused persons, as of present case, otherwise having no bearing over the merit of case and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above and by taking note of the fact as save and except suspicion arises out of confessional statement of co-accused person, wherein, in furtherance thereof, no incriminating material recovered, as to connect this petitioner,



prima facie, with present occurrence of dacoity coupled with the fact that charge-sheet has already been submitted, where, petitioner is in custody since 02.11.2022, let the petitioner, above named, is directed to be released on bail in connection with Barh P.S. Case No.486 of 2015, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Barh, Patna/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions:

“(i)That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by



the documents.

(iii) That one of the bailors of the
petitioner shall be deponent of the present
bail petition.”

(Chandra Shekhar Jha, J)

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