

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28558 of 2017

Arising Out of PS.Case No. -397 Year- 2015 Thana -MADHEPURA District- MADHEPURA

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Munna Kumar Yadav @ Munna Kumar Son of Mithilesh Yadav, Resident
of Village- Arrah, P.S. Sour Bazar, District Saharsa.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Advocate

For the Opposite Party/s : Mr. Sri Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 07-07-2017

Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Madhepura P.S. Case No. 397 of 2015 registered for the offence punishable under Sections 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that the informant, has alleged that on the date of occurrence his motorcycle was snatched away by some unknown persons, they had also taken away his Nokia Mobile Phone with Sim Card. Learned counsel submits that the petitioner is not named in the First Information Report but his name transpired in the confessional statement recorded in Madhepura P.S. Case No. 408 of 2015 dated 19.07.2015



under Section 379, 411 of the Indian Penal Code. It is further stated that, in course of investigation, the alleged motorcycle is said to have been recovered at his instance on the basis of his confessional statement.

Learned counsel for the petitioner submits that although the petitioner is in custody since 25.10.2016, and has already been charge-sheeted neither T.I. Parade has been conducted nor the trial is progressing, therefore, the petitioner is languishing in jail, even though there is no requirement of any custodial interrogation. He further submits that in view of the statement made in paragraph-3 of the application that there are two other cases he would be willing to provide a bailor who will be a government servant and shall undertake to cooperate in trial.

Considering the fact that the petitioner is in custody for about 9 months by now, no further custodial interrogation is required, no test identification parade has been conducted and petitioner is ready to cooperate in trial with other conditions, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial



Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 397 of 2015, subject to condition that one of the bailors would be a government servant and the petitioner shall cooperate in trial by putting his physical presence as and when required in course of trial and two regular defaults in putting physical appearance in course of trial shall lead to cancellation of his bail bonds.

(Rajeev Ranjan Prasad, J.)

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