

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3451 of 2019

Arising Out of PS. Case No.-76 Year-2018 Thana- KATHAIYA District- Muzaffarpur

DEVENDRA KUMAR @ GAUTAM aged about 24 years Male, s/o Paltu Rai
Resident of Village- Amaitha, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok
For the Opposite Party/s : Mr.Pushpa Sinha(App121)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 21-02-2019 Heard learned counsel for the parties.

Petitioner seeks bail in **Kathaiya P.S. Case No. 76 of 2018** registered for the offence punishable under Section 394 of the Indian Penal Code.

Informant in his written complaint has alleged that while he was going on his motorcycle to distribute mobiles at about 1:30 pm he was intercepted by three motorcycle borne miscreants who snatched away his 20 mobile phones and Rs. 20,000/- from his possession. FIR is against unknown.

The name of the petitioner has surfaced in this case on the basis of confessional statement of co-accused Deep Ranjan. Except said confessional statement there is no incriminating material against the petitioner. Test Identification Parade of the petitioner has not been conducted till date. Petitioner is having



one criminal antecedent as detailed in para 3 of the petition. Chargesheet has already been submitted in this case. Petitioner is in custody since 17.09.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate-2nd (West) Muzaffarpur**, in connection with **Kathaiya P.S. Case No. 76 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

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

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case,



prosecution will be at liberty to move for cancellation
of bail of the petitioner.

(S. Kumar, J)

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