

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10998 of 2019

Arising Out of PS. Case No.-151 Year-2017 Thana- SONBERSA District- Saharsa

Vikash Yadav @ Vikash Kumar Son of Varun Yadav Resident of Village-
Bhapatia, P.S.- Sour Bazar, District- Saharsa.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Ranjan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-02-2019 Learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion of the petition.

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

The petitioner is languishing in custody since
29.05.2018 in a case registered for the offence punishable
under Section 392 of the Indian Penal Code.

The prosecution case got initiated on the basis of
written report submitted by one Ramchandra Rishidev to the
Station House Officer, Sonbarsa (Raj) Police Station is to the
effect that on 03.10.2017 at 8.30 PM, the informant proceeded
to his house from Saharsa and as soon as he reached near gram
panchayat Soha at 9.30 PM, three miscreants came on a
motorcycle and snatched a mobile phone, motorcycle, Rs.
3000/-, ATM card etc from the informant, leading to
registration of F.I.R. against unknown. During investigation,



confession of co-accused Sonu Kumar was recorded in connection with Salkhua P.S. case No. 27 of 2018 wherein he named the petitioner and disclosed that the recovered mobile phone which was sold to him by the petitioner.

It is submitted by learned counsel for the petitioner that there is no recovery from the conscious physical possession of the petitioner. It is further submitted that neither the alleged recovered article nor the petitioner has been put on Test Identification Parade and the investigation has already been concluded.

Learned APP for the State submits that the name of the petitioner sprang up on the confession of co-accused from whose possession recovery has been made.

Considering the fact that the recovery has not been made from the conscious physical possession of the petitioner nor has the petitioner been put on Test Identification Parade and investigation has already been concluded, let the above named petitioner be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Sonbarsa (Raj) P.S. case No. 151 of 2017.

Since petitioner is having serious criminal antecedent,



learned court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions or gets involved in some serious nature of offence.

(Dinesh Kumar Singh, J)

Ashwini/devendra

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