

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26221 of 2019

Arising Out of PS. Case No.-426 Year-2018 Thana- MURLIGANJ District- Madhepura

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PAPPU KUMAR Son of Gholat Yadav Resident of Village - Pastpar, Ward
No. 10, P.S.- Sour Bazar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Bharat Lal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-05-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
05.02.2019 in connection with Murliganj P.S. Case No. 426 of
2018 for offences punishable under Section 392 of the Indian
Penal Code.

The prosecution case as lodged by the informant is
that while he was returning after collecting money from the
customers (as he works in a cloth shop) with Rs. 37,000/-, four
miscreants in two motorcycles intercepted and took away the
money, mobile and his driving license.

It has been submitted by the learned counsel for the



petitioner that he is innocent, not named in the F.I.R. and his name surfaced only on his extra judicial confessional statement in Madhepura (Bharrahi) P.S. Case No. 807 of 2017 before the police which has no evidentiary value in the eye of law. He further submits that charge-sheet has already been submitted and the petitioner is languishing in judicial custody since more than three months.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not bear a clean antecedent and is involved in one more case of similar nature earlier.

Considering the nature of allegations, period of custody and that the charge-sheet has already been submitted, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Murliganj P.S. Case No. 426 of 2018, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) If the petitioner indulges in an offence of similar



nature in future, the prosecution will be at liberty to move the
learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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