

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46579 of 2019

Arising Out of PS. Case No.-133 Year-2018 Thana- RAJAULI District- Nawada

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Birendra Kumar @ Prince Son of Sri Upendra Yadav Resident of Village-
Hardiya, Sector (B), P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. S. Dayal, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-12-2019

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

2. The petitioner seeks bail in Rajauli PS Case No.
133 of 2018 dated 03.05.2018 instituted under Section 392 of
the Indian Penal Code.

3. The allegation against the petitioner, though not
named in the FIR, is of having looted a truck.

4. Learned counsel for the petitioner submitted that
he has been falsely implicated in the present case as neither was
he named in the FIR nor there has been any TIP. Learned
counsel submitted that he was already arrested in another case
on 19.07.2018 in connection with a case lodged in the same
police station but was remanded in this case on 26.11.2018. It



was submitted that the remand is based on a so called confessional statement made by the petitioner on 18.07.2018. Thus, learned counsel submitted that if the same is correct then there is no explanation as to why the police of the same police station would remand the petitioner in the present case after four months of such confessional statement. It was submitted that even the initial implication was on the basis of confessional statement of co-accused and thereafter the police, in a routine manner, have made him accused in many cases of the same nature.

5. Learned APP submitted that the petitioner has himself confessed to the crime. However, with regard to why the remand in the present case was after four months of the petitioner having confessed his crime, that too, by the police of the same police station, learned counsel could not give any answer.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate 1st Class, Nawada in Rajauli PS Case No. 133 of



2018, subject to the condition that one of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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