

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4053 of 2020

Arising Out of PS. Case No.-173 Year-2019 Thana- ALOULI District- Khagaria

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Golu Yadav @ Vivek Kumar Yadav @ Vivek Kumar, aged about 19 years
(Male), Son of Sanjeev Yadav Resident of Village - Pirrahi, P.S.- Alauli,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-06-2020

The matter has been heard *via* video conferencing due
to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Ramesh Kumar Singh, learned counsel
for the petitioner and Mr. Ram Sumiran Rai, learned Additional
Public Prosecutor (hereinafter referred to as the ‘APP’) for the
State.

3. The petitioner is in custody in connection with
Alauli PS Case No. 173 of 2019 dated 03.06.2019 instituted
under Section 392 of the Indian Penal Code.

4. The allegation against the petitioner and two
unknown persons is of looting the informant of Rs. 1,14,416/-
and a mobile set.

5. Learned counsel for the petitioner submitted that



besides the FIR being against unknown, there is nothing to implicate the petitioner. It was submitted that after more than one month the police claim to have received confidential information in which three persons claim to be eye witnesses and have stated that they had seen the petitioner, Shamsheer Mukhiya and Ajay Mukhiya riding the bike and committing the crime. Learned counsel submitted that there is no explanation as to why all those three persons after such a long time have made the statement to the police and why they had not reported the same if they had seen such crime being committed. Learned counsel submitted that as far as witness Nitish Mukhiya is concerned, he himself has stated that he was working in the mobile shop of co-accused Ajay Mukhiya. Learned counsel submitted that because he was removed from service he has taken the name of his ex. employer, the petitioner and Shamsheer Mukhiya, who were friends of Ajay Mukhiya. Learned counsel submitted that the petitioner was caught in a case under the Arms Act subsequent to the present case and thereafter was remanded in the present case on 26.09.2019. It was submitted that the police have shown confessional statement from the petitioner and thereafter have remanded him in three other cases also of similar nature, but all cases are



subsequent to the present incident which is alleged to have taken place on 03.06.2019. Learned counsel further submitted that the petitioner has not been put on Test Identification Parade.

6. Learned APP, from the case diary, submitted that three witnesses have stated that they had seen the petitioner and two other persons riding the motorcycle and committing the crime. However, on a query of the Court as to why after more than one month they have disclosed such fact to the police and whether any explanation was available, learned counsel fairly submitted that there is no explanation with regard to the long delay in such persons coming forward claiming to be eye witnesses.

7. 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 learned Chief Judicial Magistrate, Khagaria in Alauli PS Case No. 173 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an



undertaking to the Court that he shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. 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 case 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.

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

(Ahsanuddin Amanullah, J)

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