

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6593 of 2020

Arising Out of PS. Case No.-189 Year-2018 Thana- BALIYA District- Begusarai

SHUBHAM KUMAR YADAV @ SHUBHAM YADAV @ SHUBHAM KUMAR Son of Deepak Yadav Resident of Village - Naya tola Jurabganj, P.S.- Kodha, Distt - Katihar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Sanjay Kumar No 7, Advocate
For the Opposite Party/s : Mr Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 28-05-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide lock down on account of the COVID 19 Pandemic.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard Mr Sanjay Kumar No 7, learned counsel for the petitioner as well as Mr Awadhesh Kumar Singh, learned APP for the State.

Petitioner seeks bail in Baliya Police Station (for brevity, *PS*) Case No 189 of 2018 dated 05.07.2018 instituted for the offence punishable under Sections 382, 414/34 of Indian



Penal Code.

Petitioner had earlier moved this Court for grant of bail in Cr Misc No 60731 of 2018 and Cr Misc No 35867 of 2019 which were dismissed by orders dated 06.10.2018 and 21.06.2019 respectively by a coordinate Bench of this Court.

Petitioner's counsel submits that even as per the allegation made by the informant, the person, who had snatched the bag containing money from the petitioner, had fled away on a motorcycle. The petitioner has been arrested allegedly fleeing away. However, surprisingly, the stolen/snatched amount of Rs 40,000/- has not been recovered from the petitioner. It is also submitted that the petitioner has falsely been attributed with recovery of the motorcycle which is alleged to have been used in the crime. Twice, the petitioner's prayer for bail was earlier rejected by this Court. Lastly, the same was rejected on 21.06.2019 with a direction to the trial Court to expedite the trial and conclude the same as early as possible. The petitioner has annexed order passed in Balia PS Case No 189 of 2018, GR No 2835 of 2018 dated 29.11.2019. From the same, he submits that it is obvious that even though charges were framed on 11.07.2019, no witness has been examined in support of the prosecution case. The petitioner has made specific assertion to



this effect in his bail petition also. It is submitted that only one case forms antecedent in respect of the petitioner. The petitioner, even in that case, is on bail. In the Test Identification Parade, he was not identified. The same suggests his false implication in the earlier case. Petitioner is in custody in this case since 06.07.2018.

The learned APP for the State opposed the prayer for bail referring to the order of rejection dated 30.08.2018 of the learned Sessions Judge, Begusarai. It is submitted that the petitioner is involved in many cases of snatching in several districts of Bihar.

Submission of the learned State Counsel, however, is disputed by the petitioner's counsel who submits that other than Begusarai Town PS Case No 169 of 2018, earlier lodged against the petitioner, there is no other criminal antecedent against him.

Considering the rival submissions, this Court is inclined to allow petitioner's prayer for bail.

Accordingly, let the petitioner, abovenamed, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01st Class, Begusarai in Baliya PS Case No 189 of 2018 subject to the following



conditions -

(1) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailors will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the Nationwide lock down due to COVID 19 Pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bonds to the satisfaction of the Court concerned.

The petitioner must comply with the requirements of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which bail granted under this order shall stand cancelled and petitioner will be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to



the Court of Judicial Magistrate, 01st Class, Begusarai and the competent authority of the State in terms of Clause 13 of Notice II published in the cause list uploaded on the Website of this Court.

M.E.H./-

(Madhuresh Prasad, J)

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