

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10129 of 2020**

Arising Out of PS. Case No.-164 Year-2019 Thana- MADHEPUR District- Madhubani

ABHEY KUMAR @ ABHAY YADAV @ ABHAY KUMAR @ ABHAY
KUMAR YADAV @ ABHEY YADAV S/o Bhure Yadav Resident of Village-
Rautara, P.S.- Rautara, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 02-06-2020 The matter has been taken up through virtual Court
proceeding.

Heard.

The petitioner is languishing in custody since
22.10.2019 in a case registered for the offences punishable
under Sections 379 and 411 of the Indian Penal Code.

The prosecution case as per the written report of Ram
Bahadur Thakur submitted before the S.H.O., Madhepur Police
Station is to the effect that on 21.10.2019, the informant
withdrew Rs.20,000/- from Punjab National Bank, Madhepur
and thereafter, proceeded on a bicycle towards market while
keeping the money in a bag, but while he was parking his
bicycle in the market, in the meanwhile, two boys came and



snatched the bag, containing the said money. However, on chase being made, one boy was apprehended who jumped into a water channel, and he disclosed his name as Abhay Yadav, the petitioner and also disclosed the name of other co-accused, Naresh Yadav who managed to flee away from the spot.

It appears from the pleadings that admittedly the petitioner along with the bag containing money entered into the water channel in order to escape, but the currency notes were not found from his possession which suggest that the recovery of money has not been made from the possession of the petitioner. A statement has been made in paragraph no.3 of the petition that the petitioner is accused in two other cases, but in both the cases, he has been granted bail. The petitioner is in custody about six months and the investigation has already been concluded.

Learned APP for the State submits that the recovery of the robbed money has been recovered from the possession of the petitioner.

Considering the nature of accusation, period under custody and the fact that the investigation has already been concluded, let the petitioner above named be released on bail for the present provisionally for a period of three months on



furnishing one surety to the satisfaction of the learned ACJM, Jhanjharpur, Madhubani, in connection with Madhepur P.S. Case No.164 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned ACJM, Jhanjharpur, Madhubani, in connection with Madhepur P.S. Case No.164 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

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