

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76516 of 2018

Arising Out of PS. Case No.-382 Year-2017 Thana- FALKA District- Katihar

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Suman Yadav Son of Late Yogendra Yadav, resident of Village- Rangakol,
P.S. Falka, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimal Kumar

For the Opposite Party/s : Mr.Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 09-07-2020

The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mr. Ashok Kumar, the learned A.P.P. appearing for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Falka P.S. Case No. 382 of 2017 for the offence punishable under Section 394 of the Indian Penal Code inasmuch as on an earlier occasion when the petitioner had approached this Court for grant of regular bail, this Court vide order dated 17.05.2018 passed in Cr. Misc. No. 20609 of 2018 had dismissed the said petition as withdrawn, however with



liberty to the petitioner to renew his prayer for bail after six months.

The allegation is regarding four miscreants having stopped the vehicle of the informant in the night on 28.11.2017, while the informant was going to his village, and thereafter they had snatched and taken away the motorcycle of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case on account of his bad criminal antecedent and is languishing in custody since 28.12.2017. It is further submitted that the recovery of motorcycle has been made from the house of the co-accused person and no test identification parade has been conducted so as to connect the petitioner with the alleged crime, hence the entire prosecution case is false.

The learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the petitioner and taking into account the fact that this Court had granted liberty to the petitioner, on an earlier occasion when the petitioner had approached this Court for grant of regular bail, to renew his prayer for bail after six



months, apart from the fact that no TIP has been conducted so as to show the complicity of the petitioner in the alleged occurrence, no recovery of stolen motorcycle has been made from the petitioner, rather the same has been made from the house of the co-accused person and the petitioner is languishing in custody since 28.12.2017, I deem it fit and proper to direct for the release of the petitioner on regular bail.

Accordingly, the petitioner, above-named, is directed to be released on regular bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate Vth, Katihar in connection with Falka P.S. Case No. 382 of 2017.

It is further directed that the petitioner shall mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of his failure on two consecutive occasions to mark his attendance, the present privilege of regular bail being granted to the petitioner shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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