

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23177 of 2020**

Arising Out of PS. Case No.-314 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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Birendra Yadav S/o Vijay Yadav Resident of Village-Chukti, Police Station-
Mansi, District-Khagaria ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr.Viveka Nand Singh, Advocate

For the Opposite Party : Mr.Pramod Kr.Pandey, Addl Public Prosecutor

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

2 08-09-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor representing the State.

The petitioner seeks bail in a case registered for the
offence punishable under section 392 of the Indian Penal Code.

Prosecution's case, in brief, is that four miscreants
came on motorcycle, surrounded the informant and snatched his
mobile phone, Rs.8,000/-, driving licence etc.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case on the basis of
confessional statement of co-accused Manish Kumar. In respect
of recovery of the motorcycle and the mobile phone from the
possession of the petitioner is concerned, learned counsel
submits that the motorcycle is in the name of petitioner's
brother Rajiv Yadav, whereas mobile phone belongs to the
petitioner, and thus they are not the looted material. Save and
except, there is no other material to connect him with the
occurrence. Petitioner has not been put on test identification
parade (TIP) till date.

In the facts of the case, prayer for bail of the petitioner
is allowed. Let the petitioner mentioned above be enlarged on
bail on furnishing bail bond of Rs.10,000/- (ten thousand) with



two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in S Kamal Police Station Case No. 314/2019, on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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