

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28836 of 2020

Arising Out of PS. Case No.-7 Year-2020 Thana- ARER District- Madhubani

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BHOGI YADAV S/o Late Ram Chalitar Yadav Resident of Village-Akonha,
P.S.-Dewadh, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mrs. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 15-12-2020 Heard the learned counsel for the petitioner and

Ms. Anita Kumari Singh, the learned A.P.P. appearing for the

State.

The petitioner seeks regular bail in connection
with Arer P.S. Case No. 7 of 2020 for the offence punishable
under Section 392 of the Indian Penal Code.

The allegation is regarding unknown miscreants
having arrived on a motorcycle whereafter, they had overtaken
the informant, stopped him and had then, on pistol point
snatched his mobile phone, purse, containing a sum of Rs. 700/-,
Bank's Tab and some documents, when the informant was
coming back from Axis Bank to his house after performing his
duty on the alleged date and time of occurrence.

The learned counsel for the petitioner has



submitted that the petitioner is innocent and has been falsely implicated in the present case. It is submitted that the petitioner has been remanded in the present case on 17.08.2020 from another case, in which he was arrested earlier. The learned counsel for the petitioner, Shri Ajay Kumar Thakur has further submitted that no Test Identification Parade has been held so as to connect the petitioner with the alleged crime and moreover, no recovery of the stolen articles have been made from the petitioner, hence, the petitioner is having no complicity in the matter, nonetheless, he has been made an accused in the present case only because of his bad antecedent.

Per contra, the learned Additional Public Prosecutor has vehemently opposed the prayer for regular bail, made by the petitioner.

Having regard to the facts and circumstances of the case, considering the submissions advanced by the learned counsel for the parties and taking into account the fact that neither any recovery of the looted article has been made from the possession of the petitioner nor any Test Identification Parade has been held so as to connect the petitioner with the alleged crime, I deem it fit and proper to direct for release of the petitioner on regular bail, however, subject to certain conditions.



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 Judicial Magistrate, 1st Class, Benipatti in connection with Arer P.S. Case No. 7 of 2020.

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 to do so on two consecutive occasions, the present privilege of regular bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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