

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 84785 of 2019

Arising Out of PS Case No.-461 Year-2019 Thana- NAUBATPUR District- Patna

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Pappu Kumar @ Pappu Yadav (Male) aged about 25 years, Son of Kupendra Yadav, Resident of Village - Phulchand Chak, Karanja, P.S.- Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Singh and Mr. S K Jha, Advocates
For the State	:	Mr. Uma Shankar Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 17-03-2020

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Naubatpur PS Case No. 461 of 2019 dated 12.07.2019 instituted
under Sections 341, 392, 504/34 of the Indian Penal Code and 27
of The Arms Act, 1959.

3. The allegation against the petitioner and two other co-
accused is of looting Rs. 89,730/- at gun point from the informant
as also Rs. 2,500/-.

4. Learned counsel for the petitioner submitted that he
has been falsely implicated and the version in the FIR has been



improved by the informant in his restatement. It was submitted that the informant has not identified the petitioner and only on the version of the villagers who had assembled, his name has been given in the FIR. Learned counsel submitted that no Test Identification Parade has been held to ascertain the identity of the miscreants. It was submitted that the petitioner is in custody since 15.07.2019 and there is one other case against him which is with regard to a fight among villagers of the year 2015. It was further contended that the confessional statement of the petitioner before the police cannot be relied upon as it was under duress.

5. Learned APP, from the case diary, submitted that the villagers have identified the petitioner as one of the persons who was running away. However, he did not controvert the fact that the informant/victim has not identified the petitioner and no Test Identification Parade has been held.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Danapur in Naubatpur PS Case No. 461 of 2019.



7. One of the bailors shall be a close relative of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

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