

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13759 of 2021

Arising Out of PS. Case No.-200 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

Rabindra Yadav, Son of Late Subak Lal Yadav, Resident of Village-
Kutubganj, P.S.- Mojahidpur, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 09-09-2021 The matter has been taken up today for consideration
through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Mojahidpur (Babarganj) P.S. Case No.200 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code. Subsequently, Sections 395 and 412 of the I.P.C. were added.

Informant has alleged that one person, who has been



identified during the incident as Ravi Sah, along with three others have entered his house and taken away gold jewellery, and Rs.2,50,000/- at gunpoint.

Petitioner's counsel submits that on alleged input from one spy, petitioner has been taken into custody from his house and there is alleged recovery of Rs.6,440/-, which is in his *bona fide* possession. Neither jewellery nor the money has been put on T.I. Parade. Petitioner has no criminal antecedents and is in custody since 19.09.2020. As per allegation of the offence being committed by four persons, offence under Section 395 I.P.C. would not be made out at all.

Learned APP for the State has opposed the prayer for bail. He has submitted that there is recovery of Rs.6,440/- from the petitioner house.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Bhagalpur, in connection with
Mojahidpur (Babarganj) P.S. Case No.200 of 2020, subject to
the following conditions:

(i) That one of the bailors
will be a close relative of the
petitioner who will give an affidavit
giving genealogy as to how he is
related with the petitioner. The bailor
will also undertake to inform the
court if there is any change in the
address of the petitioner.

(ii) That the petitioner
will be well represented on each date
and if he fails to do so on two
consecutive dates, his bail bond will
be liable to be cancelled.

This Court would expect that the petitioner's counsel
would honour his undertaking in the instant proceedings
regarding supply of the requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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