

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 14830 of 2021**

Arising Out of PS. Case No.-190 Year-2020 Thana- SOHSARAI District- Nalanda

PRAFULL KUMAR SON OF RAM PRATAP YADAV Resident of Village -
017 No. Talab Par, P.S.- Sohsarai, Distt.- Nalanda.(Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Ranvijay Singh, Advocate

For the Opposite Party/s : Mr Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 16-09-2021 This case has been taken up for consideration today
through Video Conferencing.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Sohsarai Police Station
(for brevity, *PS*) Case No 190 of 2020 instituted for the offence
punishable under Section 394 of Indian Penal Code.

First information report has been lodged against three
unknown persons alleging therein that they have entered into the
house of the informant through the roof and have decamped
with several household articles and cash.

Petitioner's counsel submits that in investigation,



brother of the informant has implicated the petitioner though he is not an eye witness to the occurrence. Address of the instant petitioner, in the column of the accused persons, shows that the accused and informant are residents of the same village. There is no allegation that the perpetrators had their face covered and, therefore, non-implication of the petitioner, by name by the informant (eye witness to the occurrence), is clear indication of the false implication of the petitioner on extraneous considerations. It is further submitted that the petitioner is in custody since 04.12.2020.

Learned APP has opposed the prayer for bail.

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 is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate IV, Biharsharif, Nalanda in connection with Sohsarai PS Case No 190 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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