

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16158 of 2021**

Arising Out of PS. Case No.-104 Year-2019 Thana- NOWKOTHI GARHPURA District-
Begusarai

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PRAVEEN KUMAR @ PRAVEEN YADAV Son of Arvind Yadav Resident
of Village- Sishwa, P.S.- Alouli, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha,Advocate

For the Opposite Party/s : Ms.Shaheen Begum,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 10-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms.

Shaheen Begum, learned APP for the State.

The petitioner in the present case is seeking regular

bail in connection with Nawkothe P.S. Case No. 104 of 2019

registered for the offences punishable under Section 392 of the

Indian Penal Code.

As per the prosecution story, while the informant

along with his wife was going to his village on his motorcycle,

two persons riding on the motorcycle on the gun point looted

motorcycle of the informant and gold ornaments of his wife.

Learned counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in the present case. It is submitted that the petitioner is not named in the FIR rather his name has transpired in the confessional statement of co-accused Rupesh Kumar. It is also submitted that the looted motorcycle has been recovered from the house of co-accused Rupesh Kumar. The petitioner is in custody since 15.09.2020.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that the petitioner is not named in the FIR, his name has come in the confessional statement of the co-accused Rupesh Kumar but the petitioner has neither been identified by any witness because no test identification parade has been conducted nor any recovery has been made from his possession and further submission that the recovery of looted motorcycle has been made from the house of co-accused Rupesh Kumar, the petitioner is said to have got 5 criminal antecedents and he is on bail in the 4 cases for the present, in the nature of the materials brought before this Court, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of

Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Begusarai in connection with Nawkothe P.S. Case No. 104 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.