

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15932 of 2021**

Arising Out of PS. Case No.-152 Year-2020 Thana- BARHARA KOTHI District- Purnia

1. DESHBANDHU KUMAR YADAV @ DESHBANDHU KUMAR BARUN KUMAR YADAV @ BARUN KUMAR Resident of Village - Kurwaghat, P.S.- Sarsi, Distt.- Punea.
2. RAHUL KUMAR Son of Subhash Kumar Ray @ Subhash Kumar Yadav Resident of Village - Ladugarh, P.S.- Janki Nagar, Distt.- Punea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      18-03-2021                      Heard learned counsel for the petitioners and  
learned Additional Public Prosecutor for the State.

The petitioners are in custody since 01.12.2020 in connection with Barhara P.S. Case No. 152/2020 registered for the offences punishable under Sections 395 of the Indian Penal Code.

As per the prosecution case, on 26.06.2020, while the informant along with Vishal Kumar, after loading maize on their respective tractors proceeded towards Gulabbagh market and reached ahead Dhaba and before the powergrid, Aurahi Chowk, four miscreants on white coloured TVS motorcycle intercepted them and forcibly took away the tractors with loaded maize.

It is submitted on behalf of the petitioners that



petitioners are not named in the FIR and their name surfaced during the course of investigation on the confessional statement of co-accused Brajesh Kumar which has no evidentiary value. Chargesheet has already been submitted in this case. Petitioners have got no criminal antecedent and they are in custody since 01.12.2020.

However, learned A.P.P. appearing on behalf of the State vehemently opposed the bail application and submitted that the looted tractor along with 25 bags of maize was recovered from the *Darwaza* of petitioner No. 1.

Considering the aforesaid facts and circumstances, the bail petition of **petitioner No. 1 is rejected.**

However, so far as petitioner No. 2 is concerned, since there is no recovery from his possession and he has been made accused only on the basis of confessional statement of co-accused, coupled with the fact that he has clean antecedent, his prayer for bail is allowed.

Let the petitioner No. 2, above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> Class, Purnea, in connection with Barhara P.S. Case No. 152/2020, subject to following



conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present, as directed by the Court on his absence on two consecutive dates without sufficient reason, his bail-bonds shall be cancelled by the Court below.
- (2) If the petitioner tempers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Prabhat Kumar Singh, J)**

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