

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20343 of 2021

Arising Out of PS. Case No.-33 Year-2020 Thana- BIHARIGANJ District- Madhepura

Nawal Yadav Son Of Late Gajab Yadav R/O Village- Maharajganj, P.S.-
Gwalpara, District- Madhepura Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 13-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 395 of the Indian Penal Code.

As per the prosecution case, six named miscreants including the petitioner and three unknown persons riding on a motorcycle, all of a sudden, surrounded the informant and snatched his motorcycle, mobile phone and cash.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Test Identification Parade has not been carried out till date. As per First Information Report, informant came to know about the involvement of petitioner through villagers. Charge sheet has already been submitted. Petitioner is in custody since 19.6.2020.



Considering the rival submissions of the parties, materials available on the record and the fact that Test Identification Parade has not been carried out till date and no incriminating material has been recovered from the conscious possession of the petitioner, let the petitioner, mentioned above, be enlarged 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 Judicial Magistrate, Udakishunganj Madhepura in Bihariganj Police Station Case No. 33 of 2020 on the 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 and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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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