

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25435 of 2021**

Arising Out of PS. Case No.-166 Year-2020 Thana- PIPRA District- Supaul

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RUPESH YADAV @ RUPESH KUMAR Son of Arun Yadav Resident of
Rampur, Ward No.7, P.S.- Pipra, Dist- Supaul

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Choudhary, Advocate

For the Opposite Party/s : Mr. Fahimuddin, APP

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

2 21-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Pipra P.S. Case No. 166 of 2020 registered for
the offences punishable under Section 395 of the Indian Penal
Code.

As per the prosecution story, on 21.06.2020 the
informant along with his cousin brother was going to his village.
In the meantime six miscreants on two motorcycles stopped
them and on the point of gun snatched their mobile phones,

money purse, motorcycle and fled away towards Ram Nagar.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that no incriminating article has been recovered from the conscious possession of the petitioner. The co-accused has already been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 39901 of 2020. Learned counsel submits that the petitioner is in custody since 26.12.2020 having no criminal antecedent.

Learned A.P.P. for the State has 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 no looted article has been recovered from the possession of the petitioner and the petitioner has not been put on T.I.P., further that he is in custody since 26.12.2020 and in the meantime the co-accused Nandan Kumar, on whose confessional statement the name of the petitioner has transpired, has already been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 39901 of 2020, the petitioner has got one criminal antecedent for which a supplementary affidavit is said to have been filed on behalf of the petitioner and he is said

to be on bail, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Supaul in connection with Pipra P.S. Case No. 166 of 2020 subject to the condition 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 disposed of accordingly.

(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'.