

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27739 of 2021

Arising Out of PS. Case No.-79 Year-2020 Thana- DEWARIA District- Muzaffarpur

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MUKESH KUMAR YADAV Son of Lalan Rai Resident of Village - Rajwara
Halimpur, P.S.- Sahebganj, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Adv.

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-10-2021 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. Rana
Randhir Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Deoriya P.S. Case No.79 of 2020 registered for

the offences punishable under Section 392 of the Indian Penal

Code. He is in custody since 09.11.2020. The petitioner has got

one criminal criminal antecedent.

As per the prosecution story on 06.06.2020 the

informant was going to Hajipur with his Bolero vehicle bearing

Reg.No.BR-29GA-4615 to take hens. In the way some

miscreants overtook his vehicle and on the point of pistol



snatched away Rs.2,07,000/- from the possession of the informant. Thereafter all the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this. Learned counsel submits that the F.I.R. is against unknown and the name of the petitioner has transpired in the confessional statement of the co-accused.

Learned counsel submits that there is no recovery from the possession of the petitioner and till date he has not been put on Test Identification Parade. It is submitted that the petitioner is in custody in connection with this case for almost one year.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case in which the F.I.R. is against unknown and the name of the petitioner has transpired in the confessional statement of the co-accused, the petitioner is in custody for almost one year but till date he has not been put on T.I.P. and it is the submission of the petitioner that neither any recovery has been made from his possession nor he has been identified during all this period, the investigation against him is complete but the trial is not likely to



take place in near future, in the circumstances, this Court directs that the petitioner above named be released 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 Judicial Magistrate-1st Class, Muzaffarpur (West) in connection with Deoria P.S. Case No.79 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.

(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'.

