

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.29823 of 2021**

Arising Out of PS. Case No.-650 Year-2019 Thana- SAHARSA SADAR District- Saharsa

AJAY KUMAR Son of Badri Prasad Yadav @ Fulendra Yadav Resident of  
Village - Bariyahi Basti, P.S.- Bangaon, District - Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate.

For the Opposite Party/s : Mr. Arun Kumar Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

2      17-12-2021                      Heard learned counsel appearing on behalf of the  
petitioner and learned APP appearing on behalf of the State.

Petitioner is in custody since 27.01.2021 seeks regular  
bail in connection with Saharsa Sadar P.S. Case No.650 of 2019  
registered for offences punishable under Section 394 of the  
Indian Penal Code.

The prosecution case, in brief, is that on 16.07.2019 at  
about 23.15 hours, when the informant was returning home on  
his motorcycle and reached near a bridge, situated between  
Gobbar Garha and Nandlali, four unknown miscreants having  
armed with pistol stopped his motorcycle and assaulted him by  
means of butt of the pistol causing injury on his head.  
Thereafter, the miscreants looted away his mobile, purse, ATM  
card and cash of Rs. 1100/-. They also took his admit card & ID



card from his bag and fled away with the motorcycle of the informant.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. and he has been implicated in this case on the basis of confessional statement of other co-accused Sharvan Kumar. It has further been submitted on behalf of the petitioner that he has been made accused in Bangaon P.S. Case No.87 of 2019 under Sections 341, 323, 379, 504 and 506/34 of the Indian Penal Code, in which he has already been enlarged on bail by the learned court below. Learned counsel further submits that the petitioner voluntarily surrendered in court below on 27.01.2021 and nothing has been recovered from the conscious possession of the petitioner. It is further submitted that there is no evidence of absconding and tampering with the evidence as also considering the fact that no Test Identification Parade has been held so as to consider the involvement of the petitioner in the said crime. Learned counsel for the petitioner further submits that co-accused namely Sharvan Kumar has already been released on bail by another co-ordinate Bench of this Court vide order dated 05.02.2021 in Cr. Misc. No. 37946/2020.

Learned APP appearing on behalf of the State has



opposed the prayer for bail.

Considering the aforesaid facts and circumstances of the case, learned court below is directed to verify the antecedent of the petitioner after seeking report from the Superintendent of Police and on being satisfied that petitioner is not involved in any other cases of similar nature or any other serious offences, the petitioner above named, be released on bail on furnishing personal bond of Rs. 25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No.650 of 2019 subject to the following conditions:-

(I) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tempers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall



take steps to cancel his bail bond and initiate a separate proceeding in that regard for willfully making false statement before this Court.

**(Purnendu Singh, J)**

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