

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32622 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- KADWA District- Katihar

MD. YUNUS @ YUSUF S/o Kurhan Ali P.S.- Islampur, Baslla Toli, Sisiya,
P.S.- Kadwa, Distt.- Katihar.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Ms.Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 25-01-2021 Heard learned counsel for the petitioner and Ms. Sucheta
Yadav, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Kadwa P.S. Case No. 184 of 2019 registered for the offences punishable under Sections 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that the informant in his written report alleged that on 08.08.2019 he was returning home after withdrawing Rs.2,00,000/-, on way three miscreants surrounded the informant and took away the aforesaid amount from the dickey of motorcycle. It is further alleged that in course of occurrence informant apprehended one person and the informant came to know from the villagers that other two co-accused persons were seen by them while they were fleeing away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Learned counsel for the petitioner submits that the petitioner is



not named in the FIR his name has transpired in the confessional statement of the co-accused. It is submitted that nothing incriminating has been recovered from conscious possession of the petitioner. The petitioner has remained in jail since 27.01.2020.

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

Having regard to the facts and circumstances of the case, wherein the submission of learned counsel for the petitioner is that he is not named in the FIR, his name has transpired in the confessional statement of the co-accused but there is no identification of the petitioner, no recovery has been made from his possession, he has remained in judicial custody since 27.01.2020 and that three cases in which he has been involved the petitioner has been granted bail earlier, there is no submission on behalf of the State that release of the petitioner at this stage is likely to result in tampering with evidence or interfering with the course of trial, let the petitioner above-named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection with Kadwa P.S. Case No. 184 of 2019, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,



(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

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 bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

And further condition that before issuing the release order the learned court below shall satisfy itself that the petitioner is on bail in three cases mentioned in paragraph '3' of the present application.

The 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'.

