

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37626 of 2020**

Arising Out of PS. Case No.-528 Year-2018 Thana- KISHANGANJ District- Kishanganj

Lakhan Yadav @ Guddu@ Guddu Yadav (M) aged about 27 years, Son of Deepak Lal Yadav @ Bipat Lal Yadav @ Vipat Lal Yadav, Resident of Village- Shrirampur (Silampur), P.S.- Balrampur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Onkar Nath, Advocate
For the State : Ms. Veena Rani Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 08-02-2021

Heard Mr. Onkar Nath, learned counsel for the petitioner and Ms. Veena Rani Prasad, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioner is in custody in connection with Kishanganj PS Case No. 528 of 2018 (SGR No. 1608 of 2018) dated 21.08.2018, instituted under Sections 395/412 of the Indian Penal Code.

3. The allegation against the petitioner, though not named in the FIR, is that he along with others had looted the mobile phones, ornaments, cash of Rs. 40,000/- and further Rs. 2,00,000/- in cash, after entering the house of the informant.

4. Learned counsel for the petitioner submitted that only on the confessional statement of co-accused and thereafter the



petitioner, he has been implicated in the case but there is no recovery either from his possession or on the basis of his statement. Learned counsel submitted that the petitioner having no criminal antecedent and is in custody since 28.05.2020. It was further submitted that though the informant has stated that he could recognize the miscreants but no Test Identification Parade (TIP) has been conducted.

5. Learned APP submitted that the co-accused and the petitioner have confessed to their involvement in the crime.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Kishanganj in Kishanganj PS Case No. 528 of 2018 (SGR No. 1608 of 2018), subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses.



Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

7. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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