

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8763 of 2021**

Arising Out of PS. Case No.-130 Year-2020 Thana- MURLIGANJ District- Madhepura

ABHIMANYU KUMAR Son of Jaydarth Yadav @ Jaydarth Prasad Yadav @ Jay Prakash Yadav Resident of Village - Jorgama, Police Station - Murliganj, District - Madhepura.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav, Adv.

For the Opposite Party/s : Mr.Aslam Ansari, APP

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

2 30-04-2021 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 learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Murliganj P.S. Case No. 130/2020 registered for the offences punishable under Section 379 of the Indian Penal Code.

The prosecution story in brief is that on 01.05.2020 at about 5.00 pm the informant on his motorcycle had gone for purchasing the medicines at Navtol Chauk. It is further alleged that while the informant was returning to his home, in the way he parked his motorcycle with key on the road side and had gone to



attend the call of nature. It is further alleged that when he came back he found that his motorcycle is missing.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case due to village politics. Learned counsel submits that nothing incriminating has been recovered from the possession of the petitioner. He submits that the similarly situated co-accused namely Darshan Kumar has been granted bail vide Cr.Misc.No.493/2021. It is submitted that the petitioner has remained in jail in connection with this case since 05.06.2020.

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, the nature of the allegations being one under Section 379 I.P.C. and the fact that the petitioner has remained in jail in connection with this case since 05.06.2020, investigation against him is complete and that the co-accused similarly situated namely Darshan Kumar has been granted bail vide Cr.Misc.No.493/2021, this Court directs release of the petitioner above named on bail on furnishing bail bonds 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, Madhepura, in connection with Murliganj P.S. Case No.130/2020, subject to the



conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

The application stands allowed.

		(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'.

