

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40712 of 2020

Arising Out of PS. Case No.-315 Year-2019 Thana- ADAPUR District- East Champaran

SIKANDAR YADAV SON OF BINDI YADAV @ BINDA YADAV
RESIDENT OF VILLAGE- MURLI, P.S.- CHHAURADANO, DISTRICT-
EAST CHAMPARAN MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 08-04-2021 This matter is taken up for consideration through

Video Conferencing under the orders of Hon'ble the Chief

Justice.

Heard both parties.

The petitioner seeks bail in Adapur P.S. Case No. 315
of 2019, registered for the offence punishable under Section 394
of the Indian Penal Code.

As per the prosecution case, while the informant
along with his brother was returning home and reached near
Andhra Panchayat Bhawan, four bike borne miscreants on the
point of pistol took away cash of Rs. 45,000/- and one mobile
from possession of the informant and also assaulted his brother
by the butt of pistol and snatched his mobile. Out of four miscreants,



informant claimed to have identified three miscreants who are named in the FIR.

It is submitted on behalf of the petitioner that petitioner is not named in the FIR. During course of investigation, name of this petitioner has come in this case on the basis of confessional statement of co-accused Himanshu Kumar. No incriminating article has been recovered from possession of this petitioner. No test identification parade has been held till date. Petitioner is in custody since 22.02.2020.

Considering the fact that no recovery has been made from possession of this petitioner and TIP has not been held till date, the petitioner above-named, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Raxaul at Motihari, East Champaran, in connection with Adapur P.S. Case No. 315 of 2019, subject to following conditions:-

(i) The petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be



cancelled by the court below.

(ii) If the petitioner tampers 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.

(Prabhat Kumar Singh, J)

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