

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6178 of 2021

Arising Out of PS. Case No.-152 Year-2020 Thana- BARHARA KOTHI District- Purnia

MUNNA YADAV @ BIRENDRA YADAV S/o Surya Narayan Yadav
Resident of Village- Hathiondha, Prokiya Tola, P.S.- Bihariganj, Distt-
Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhola Prasad

For the Opposite Party/s : Ms. Anita Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-06-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State, through Video
Conferencing.

The petitioner seeks regular bail in connection with
Barhara Police Station Case No. 152 of 2019, registered for the
offence punishable under Section 395 of the Indian Penal Code.

The prosecution story, as per the First Information, is
that the informant, Vivek Kumar, along with Vishal Sharma,
loaded 100 and 140 bags of maize crops on a tractor and were
going towards Gulabbagh market for selling the same, in the
meanwhile, eight miscreants, on two motorcycles, overtook
their tractor, assaulted them and took away the tractor along
with maize crops.



Learned Counsel for the petitioner submits that the petitioner is not named in the First Information Report and the First Information Report has been registered against unknown. He further submits that in course of investigation, one Brajesh Kumar was arrested, who disclosed the name of the petitioner as one of his accomplice, but the petitioner has not been put on Test Identification Parade and no looted and/or incriminating article has been recovered from the possession of the petitioner. He next submits that on the basis of the confessional statement made by co-accused Ajay Das, the trailer of the tractor in question, along with 25 bags of maize crops were recovered by the police. He next submits that co-accused Brajesh Kumar, on whose confessional statement, the name of the petitioner has transpired, has been granted bail by co-ordinate Bench of this Court, vide order, dated 12.02.2021, passed in Criminal Misc. No. 38295 of 2020. He further submits that the petitioner has got no criminal antecedent and he is in custody since 13.09.2020.

Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that similarly situated co-accused person has been granted bail by this Court, the petitioner is in custody since 13.09.2020,



having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Purnea, in connection with Barhara Police Station Case No. 152 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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