

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7864 of 2021

Arising Out of PS. Case No.-539 Year-2019 Thana- SAHEBGANJ District- Muzaffarpur

1. RUPESH KUMAR YADAV @ JHUNNA Son of Yadav Lal Rai Resident of Village - Roopchhapra, P.S.- Sahebganj, District - Muzaffarpur
2. Rajeev Kumar Son of Kameshwar Rai Resident of Village - Morhar (Roopchhapra), P.S.- Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 09-08-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitionerss and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Sahebganj PS Case No. 539 of 2019, registered under Section 395 of the Indian Penal Code.

It is alleged that while the informant along with his



two companions were on the way after collecting Rs. 3,55,100/-, they have been assaulted by several other persons on motorcycle and the amount has been looted.

Learned counsel for the petitioners submits that case has been lodged after delay of two days. There is no recovery of incriminating materials from possession of petitioners to show their involvement in the occurrence. There are some criminal cases pending against them and therefore, they have also been roped in the instant case. Similarly situated co-accused has already been granted bail in Cr. Misc. No. 21964 of 2021. Petitioners, however, have not been put on T. I. Parade. They are in custody since 05.06.2020.

Learned APP has opposed the prayer for bail and submitted about involvement of the petitioners.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st (West), Muzaffarpur in Sahebganj PS Case No. 539 of 2019, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of



the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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