

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8827 of 2021**

Arising Out of PS. Case No.-473 Year-2019 Thana- MADHEPURA District- Madhepura

Kundan Kumar S/O Sadanand Prasad Yadav R/O Village-Narahi, Ward No.1,
P.S. (BHARRAHI O.P.) Madhepura, District-Madhepura (BIHAR).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anant Kumar 1, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 03-05-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter 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 Madhepura (Bharrahi O.P.) P.S. Case No. 473/2019 registered for the offences punishable under Sections 392 and 120(B) of the Indian Penal Code.

The prosecution story in brief is that the informant namely Rahul Kumar is working as a collection staff in M.F. Court Company. It is alleged that on 30.05.2019 the informant went to different villages mentioned in the F.I.R. for collecting the money. It is further alleged that when the informant after



collecting money reached at Murho Sikna saw that one motorcycle without having number was coming from opposite side. The motorcycle rider intercepted the motorcycle of the informant and snatched his bag containing Rs.75,600/- and two mobile phones etc. from the pocket of the informant.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused Rakesh Kumar who has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.56050/2019.

Learned counsel submits that nothing incriminating has been recovered from the possession of the petitioner and he has not been identified. It is submitted that the petitioner has otherwise no criminal antecedent and he has remained in jail in connection with this case since 22.05.2020.

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 wherein the name of the petitioner has transpired in the confessional statement of the co-accused Rakesh Kumar, the said co-accused has been granted bail by a learned coordinate



Bench of this Court in Cr.Misc.No.56050/2019, so far as this petitioner is concerned, nothing incriminating has been recovered from his possession and he has not been identified, the petitioner has otherwise no criminal antecedent, he has remained in jail in connection with this case since 22.05.2020 and the investigation against him is complete, 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 C.J.M., Madhepura, in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 473/2019, 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'

