

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5076 of 2022

Arising Out of PS. Case No.-858 Year-2020 Thana- MADHEPURA District- Madhepura

VISHAL KUMAR SON OF LATE PREM YADAV R/O NAYA TOLA
WARD NO.1, JORABGANJ, P.S.- KODHA, DISTRICT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivam, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 21-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a
period of four weeks from today.

The petitioner seeks bail in connection with
Madhepura P.S. Case No. 858 of 2020 registered for the offence
under Section 379 of the IPC.

The petitioner is not named in the FIR and is in
custody since 07.08.2021.

The allegation against the petitioner is to be
involved in theft of Rs. 4,00,000/- along with 01 (one) laptop
from vehicle of the informant.

Learned counsel appearing on behalf of the
petitioner submitted that the name of the petitioner surfaced on



the basis of confessional statement of co-accused, namely, Rauki Yadav, while apprehending in Saharsa P.S. Case No. 63 of 2021. While arguing over the matter, it has further been submitted that subsequently after lodging the said case, the petitioner named in 14 other different cases as mentioned in paragraph no.3 of this petition and in all the cases, he is on bail. It has further been submitted that nothing incriminating material have been recovered from the conscious possession of the petitioner, which may connect the petitioner from the present set of occurrence. It has further been submitted that charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP while opposing the prayer for bail, fairly conceded the fact that the name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Rauki Yadav.

Considering the facts and circumstances as mentioned above, as name of the petitioner has surfaced on the basis of confessional statement of co-accused, namely, Rauky Yadav, leading no recovery, which may implicate the petitioner in the present case, let the petitioner, above named, are directed to be released on bail in connection with Madhepura P.S. Case No.



858 of 2020 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Madhepura subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be mother of the petitioner, namely, Lalita Devi, who is the deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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