

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5822 of 2022

Arising Out of PS. Case No.-896 Year-2020 Thana- MADHEPURA District- Madhepura

DILKHUSH KUMAR @ DILKHUSH YADAV Son of Ramvilash Yadav @
Ramvilash Yadav @ Rambilash Yadav Resident of Village - Kabihi, P.s.-
Shankarpur, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-06-2022 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. 896 of 2020 registered for the offence
under Section 392 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 07.06.2021.

The allegation against the petitioner is to commit
robbery and while committing so taken away the valuables,
biometrics equipments and cash of Rs. 2500/- of the informant.

Learned counsel appearing on behalf of the petitioner



submitted that name of the petitioner has surfaced on the basis of confessional statement of co-accused, namely, Sandeep Kumar @ Pehalwan, leading no recovery, which may incriminate or connect the petitioner with the present set of occurrence. It has further been submitted that said co-accused, has already been granted bail by a learned co-ordinate Bench of this Court vide order dated 25.03.2022 in Cr. Misc. No. 61948 of 2021. It has further been submitted that the petitioner is involved in one case of similar nature, in which, he is on bail.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that name of the petitioner has surfaced on behalf of confessional statement of co-accused.

Considering the facts and circumstances as mentioned above, as name of the petitioner has surfaced on the basis of confessional statement of the co-accused and nothing has been recovered to incriminate the petitioner in the present set of occurrence, let the petitioner, above named, is directed to be released on bail in connection with Madhepura P.S. Case No.896 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) Accused/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 Ramvilas Yadav @ Ramvilash Yadav @ Rambilash Yadav, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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