

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16231 of 2022**

Arising Out of PS. Case No.-137 Year-2021 Thana- KISHUNPUR District- Supaul

PAPLESH KUMAR @ PAPLESH YADAV S/O BIKAN YADAV @
BINDESHWARI YADAV R/o village- Tulsibari, P.S.- Madhepura, Distt.-
Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar

For the Opposite Party/s : Mr.Anita Kumari Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 14-09-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Kisanpur P.S. Case No. 137 of 2021 registered for the offences
punishable under Sections 379/34 of the Indian Penal Code and
subsequently added Sections 411 and 414 of the Indian Penal
Code.

As per prosecution case, the pickup van of the
informant was stolen from where same was parked.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.08.2021. Petitioner bears three



criminal antecedents. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. F.I.R. has been lodged against unknown driver of pickup van. Name of present petitioner has been surfaced on the basis of confessional statement of co-accused Md. Bittu alias Aslam. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Co-accused Sushant Kumar has already been granted bail vide Cr. Misc. No. 33007 of 2022 by this Court and the case of present petitioner stands on better footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, petitioner is not named in the F.I.R., charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M.,



Supaul in connection with Kisanpur P.S. Case No. 137 of 2021,
subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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