

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16930 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- CHANDI District- Bhojpur

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PAPPU KUMAR @ PAPPU YADAV Son of Ram Awadhesh Singh @
Awadhesh Singh Resident of Village - Salempur, P.S.- Chandi in the district of
Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for

the offence punishable under Section 392 of the Indian Penal

Code,

As per allegation three accused persons stopped the

informant when he was running his motorcycle and thereafter

accused persons looted his motorcycle, mobile phone by putting

him in fear by showing pistol.

The main submissions advanced by the learned

counsel for the petitioner are that FIR was lodged against



unknown persons, during course of investigation, name of the petitioner surfaced in the confessional statement of co-accused Hema Kumar, except this there is no any other legal evidence against him, looted motorcycle was recovered from the possession of co-accused Hema Kumar, after his arrest, petitioner was not put on TI Parade and investigation has been completed in respect of the petitioner and he has been languishing in jail since 15.12.2021, except confessional statement of this petitioner and co-accused person recorded by the police which has no evidentiary value, there is no any other material to connect him with the alleged crime.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances of the case as well as considered the fact that regarding the involvement of petitioner in the alleged crime the prosecution is mainly relying upon statement of the petitioner and co-accused person recorded by the police during investigation as submitted and it appears from the order of the learned court below that investigation has been completed and as per above submission during course of investigation, petitioner was not put on TI parade and in the present the case of the petitioner is at initial stage, in my view, a lenient approach may be taken in respect of



the petitioner. Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhojpur at Aara in Chandi P.S Case No. 162 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) 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.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent other than of Udwant Nagar P.S Case No. 229 of 2020 of the petitioner is found then the court below shall take serious action against him for



cancellation of his bail bond.

(Shailendra Singh, J)

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