

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33630 of 2021

Arising Out of PS. Case No.-875 Year-2020 Thana- SUPAUL District- Supaul

PAPLESH KUMAR Son of Mithilesh Kumar Yadav @ Mihilesh Yadav
Resident of Village - Chandaaur, Ward no. 2, P.S. - Sour Bazar, District -
Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 09-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in connection with Supaul

P.S. Case No. 875 of 2020 registered for the offence under

Sections 394 of the Indian Penal Code,

The motorcycle of the petitioner is said to have

been looted away on the point of gun by the accused

persons.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been



implicated in this case. In fact, the petitioner has not been named in the F.I.R. but on the confessional statement of the co-accused, Neeraj Kumar and Sharwan Kumar, his name has transpired in this case. He further submits that during course of investigation, the petitioner himself admitted that he had purchased the motorcycle in question from the co-accused, Shrawan Kumar who, has already been granted bail by this Court vide order dated 22.12.2021 passed in Cr. Misc. No. 49877 of 2021. The petitioner is rotting in judicial custody since 03.01.2021.

Learned A.P.P. for the State has fairly submitted that no cogent and sufficient material has surfaced against the petitioner during course of investigation but the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned C.J.M., Supaul in connection with Supaul P.S. Case No. 875 of 2020 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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.

(Rajesh Kumar Verma, J)

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