

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.39759 of 2021**

Arising Out of PS. Case No.-24 Year-2021 Thana- MADHEPURA District- Madhepura

Rupesh Kumar Son of Dheerendra Kumar @ Dhirendra Yadav @ Dhirendra Prasad Yadav Resident of Village - Shiv Nagar Pararia, Ward No. 3, P.S.- Kumar Khand (Belari O.P.), District - Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

2      06-01-2022      Heard the parties through the video conferencing.

Heard learned counsel appearing on behalf of the petitioner and the learned APP for the State.

Petitioner who is in custody since 10.1.2021 seeks regular bail in connection with Madhepura P.S. Case No. 24 of 2021 dated 8.1.2021 registered for the offence punishable under section 394 of the Indian Penal Code.

Prosecution case in brief is that informant along with one Chandan Kumar after withdrawing Rs. 2, 92,500/- from S.I.A.D.B. Madhepura Branch was going to his village by a motorcycle, two persons riding on another motorcycle snatched the bag containing money and ran away towards Rajapur Chowk. The informant identified one Nitish Kumar and could



not identify another three persons. The police has recovered one mobile phone bearing sim no. 9155255713 and sim no. 8404934454.

Learned counsel appearing on behalf of the petitioner submits that the petitioner has clean antecedent the police had recovered Rs. 20,000/- from the house of the petitioner which belongs to the petitioner. He further submits that he was forcibly arrested without any evidence and also seized his mobile phone and money from the pocket. The sim numbers which has been mentioned in the FIR do not belong to the petitioner and no CDR report is on record to confirm the complicity of the petitioner. No case is made out against the petitioner deserves to be released on regular bail.

Learned counsel appearing on behalf of the State submits that in absence of any TIP it cannot be proved that whether the petitioner was present at the place of occurrence or not.

Having considered the rival submissions of the parties and the material placed on record and also considering the fact that the petitioner was not present at the place of occurrence and the charge-sheet has been submitted under section 397/412 of the IPC, no TIP having conducted and there being no allegation



of tampering the evidence, the petitioner, named above, is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 24 of 2021 subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the Court.

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

**(Purnendu Singh, J)**

Ravi/-

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