

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33028 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- BELHAR District- Banka

Mukesh Yadav S/o Late Radhe Yadav R/o village- Rangmatia, P.S.- Belhar,
District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 05-09-2022 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
learned APP for the State.

Petitioner seeks regular bail in connection with Belhar
P.S. Case No.56 of 2022 registered for the offence punishable
under Section 392 of the Indian Penal Code.

As per the allegation, the petitioner and his three
companions riding on a motorcycle firstly overtook the
informant's motorcycle and thereafter forcefully stopped him
and made the informant fell down owing to that the informant
sustained head injury and the petitioner was identified by him
and during that course the petitioner and co-accused persons



snatched away Rs.54,700/- cash and a mobile phone from the possession of the informant.

The main submissions advanced by the learned counsel Mr. Dhananjay Kumar Pandey for the petitioner are that the FIR itself goes to show that at the time of alleged occurrence, the informant was in a drunken position due to which he himself lost his control over his motorcycle and consequently, he fell down and sustained injury and after the petitioner's arrest the police failed to recover any of the looted articles from the possession of this petitioner who has been languishing in jail since 17.02.2022. Further submission is that the alleged motorcycle which is stated to have been recovered in front of the house of this petitioner is completely false, in actual the same was recovered from the road.

Learned APP Mr. Akbar Ali appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order of learned Court below. The petitioner has been languishing in jail since 17th February, 2022 and the order of learned Court below goes to show that the looted money or any part thereof and looted mobile phone were not recovered from the possession of this petitioner and the FIR goes to show that at



the time of alleged incident, the informant himself was in drunken position and only a motorcycle allegedly used in the alleged crime is stated to have been recovered from the outside of the house of this petitioner who has taken the plea that the said motorcycle was recovered from the road and the statement made in Paragraph No.3 of petition shows that there is criminal antecedent of one case in which he is on bail. Considering these facts as well as petitioner's custody period, in my view a lenient approach can be taken in respect of the petitioner's prayer, 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 concerned Court in connection with Belhar P.S. Case No.56 of 2022, 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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