

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43051 of 2021**

Arising Out of PS. Case No.-253 Year-2020 Thana- BARAUNI District- Begusarai

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MADAN KUMAR @ MADAN RAY Son of Late Jagarnath Ray Resident of
Vill- Musahari Tola Teghra, P.S.- Teghra, Dist- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-02-2022 Heard the parties through video conferencing.

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

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 08.02.2021, seeks
regular bail in connection with Barauni (Gadahara) P.S. Case
No. 253 of 2020 registered for offences punishable under
Section 392 of the Indian Penal Code.

Prosecution case, in brief, is that on 15.07.2020, in the
night, while the informant was going to drop his brother at
Barauni Station by his motorcycle bearing Registration No.
BR09P/4519, some miscreants stopped them and snatched their
purse, mobile phone and motorcycle and fled away after seeing



the gasti team of Garhara Outpost.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case on the basis of confessional statement of Jamuna Devi from whose hut, motorcycle was recovered. Petitioner was forced to confess his guilt in police custody. He further submits that charge-sheet has already been submitted. Petitioner has no criminal antecedent and he is in custody since 08.02.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case, the recovery has been made from hut of one Jamuna Devi, Charge-sheet has already been submitted in the present case, petitioner is in custody since 08.02.2021, there is no allegation of tampering the evidence or influencing the witnesses as well as trial is not likely to be concluded soon due to COVID-19, the petitioner, above named, is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Barauni (Gadahara) P.S. Case No. 253 of 2020



subject to the following conditions:

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

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) 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)

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