

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34674 of 2022

Arising Out of PS. Case No.-141 Year-2021 Thana- GWALPARA District- Madhepura

Bibhishan Yadav @ Vibhishan Yadav, Son of Kundan yadav Yadav, Resident of Village - Jayram Parsi, Ward No. 01, Police Station- Gwalpara (Arar O.P.), District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr.Raj Kishore Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Gwalpara P.S. Case No. 141 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, the informant was waylaid by three motorcycle borne miscreants and they snatched Rs. 19,000/- from the informant on gun point. The informant identified the petitioner and the co-accused Raman Kumar



Yadav and the third miscreant was not known to the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. The informant and petitioner are residents of same police station and they are well known to each other. As a matter of fact, the informant has taken Rs. 10,000/- from the petitioner and when the petitioner demanded his money, the informant implicated him in this false case due to annoyance. It is not probable that if the petitioner was well known to the informant he would commit robbery with such person without concealing his identity. There is no recovery of any looted article from the possession of the petitioner. Even during investigation nothing came up against the petitioner. No call detail report has come about the location of the petitioner's mobile number during the investigation. Learned counsel further submits that the co-accused Raman Kumar Yadav has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 25.05.2022 passed in Cr. Misc. No. 6016 of 2022. The case of this petitioner is similar or on better footing to the co-accused who was granted bail as the said co-accused was having five criminal cases pending against him, whereas only two cases are pending against this petitioner.



Petitioner is in custody since 01.04.2022.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the probability of the false implication along with his period of custody and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Madhepura, in connection with Gwalpara P.S. Case No. 141 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be a close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court below.
- (iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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