

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35467 of 2022

Arising Out of PS. Case No.-600 Year-2021 Thana- MADHEPURA District- Madhepura

Paplesh Kumar @ Paplesh Yadav, Son of Bindeshwari Yadav @ Vindeshwari Yadav @ Bikan Yadav Resident of Village - Tulsibari, Ward No. 12, P.S. Madhepura (Bharrahi O.P.), District - Madhepura.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Shantanu Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-08-2022 Heard Mr. Ajit Kumar Singh, learned counsel for the petitioner and Mr. Shantanu Kumar, learned A.P.P. for the State.

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

The petitioner seeks regular bail in connection with Madhepura (Bharrahi O.P) P.S. Case No. 600 of 2021, for the offence punishable under Section 392 of the Indian Penal Code.

The prosecution case, in brief, is that petitioner along with other miscreants committed loot cash of Rs. 11,250/- as well as mobile set at the point of gun and fled away with the Bolero pick van belonging to the informant.

Learned counsel appearing on behalf of the petitioner submits that he has made specific statement in paragraph No. 7 that there is no recovery of pick up van or any other booty from



the possession of the petitioner and till date no T.I.P has been conducted and Chargesheet has already been submitted. The petitioner is in custody since 12.08.2021. It is further submitted that earlier the bail application of the petitioner was withdrawn because the criminal antecedent of the petitioner, as stated in paragraph No.3, was found to be incorrect.

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

Having considered the rival submissions of the parties as as well as the specific statement of the petitioner that no looted article has been recovered from the possession of the petitioner, the Chargesheet has already been submitted. The petitioner is in custody since 12.08.2021. The petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Madhepura in connection with Madhepura (Bharrahi O.P) P.S. Case No. 600 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 co-operate 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.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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