

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39759 of 2022

Arising Out of PS. Case No.-98 Year-2020 Thana- BHAIKAVSHTHAN District- Madhubani

ABHINANDAN YADAV Son of Lakshman Yadav Resident of Village -
Atari, P.s.- Laukahi, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-11-2022 At the outset, it is prayed by learned counsel for the petitioner to make a correction in the P.S. case number in the prayer portion of the main petition which has been wrongly typed as Laukaha P.S. Case No. 98 of 2020 in place of Bhairav Asthan P.S. Case No. 98 of 2020 and in this regard supplementary affidavit has been filed for seeking permission to make the said correction.

In view of above-mentioned prayer, the petitioner's counsel is permitted to make necessary correction in the main petition with regard to the above P.S. case number.

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 Bhairav Ashthan P.S. Case No. 98 of 2020 registered for the offences punishable under Sections 392 and 411 of the Indian Penal Code.

As per the prosecution, the informant's motorcycle and mobile phone were looted by some unknown miscreants at the alleged place on the point of arms.

The main submissions advanced by the learned counsel Mr. Ashok Kumar for the petitioner are that the petitioner was remanded in this case from Laukahi P.S. Case No. 47 of 2020 on the confessional statement made by co-accused Shambhu Yadav and after his remand in the instant matter he was not put on Test Identification Parade and nothing incriminating material or looted article has been recovered from his possession and co-accused Kaushal Kumar Suman has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 51366 of 2021.

Learned APP Mr. Ramchandra Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. The petitioner has been languishing in jail



since 07.07.2021 and as per the order of learned Court below the petitioner's name surfaced in the alleged crime only on the basis of statement of co-accused Shambhu Yadav. During the course of argument, it is submitted by learned counsel for the petitioner that after the petitioner's remand in the present case, the police failed to recover any incriminating material or looted article from the possession of this petitioner and he was not put on Test Identification Parade and the said defence has not been refuted by learned APP and while rejecting the prayer of the petitioner the learned Court below mainly placed reliance upon the statement of co-accused. Considering these facts and mainly taking into account the petitioner's custody period, in the opinion of this Court 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 Bhairav Ashthan P.S. Case No. 98 of 2020.

(Shailendra Singh, J.)

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