

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51610 of 2021

Arising Out of PS. Case No.-53 Year-2021 Thana- BASANHI District- Saharsa

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RUPESH KUMAR @ RUPESH YADAV Son of Sri Gonu Yadav @ Gainu
Yadav Resident of Village- Mokma Tola Bijulia, Ward No. 10, P.S.- Basnahi,
District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Ms. Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-05-2022 Heard Mr. Amit Kumar Anand, learned counsel for

the petitioner and Ms. Rita Verma, learned Additional Public

Prosecutor for the State.

Petitioner seeks regular bail in connection with
Basnahi PS Case No. 53/2021 registered for the offence
punishable under Section 392 of the IPC.

As per First Information Report, the informant was
intercepted by the petitioner and two unknown accused persons
who snatched motorcycle, a sum of Rs. 41,000/-, mobile phone
etc., from the informant.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to land
dispute between the petitioner and the informant and the
petitioner is a resident of the same village where the informant
resides. He next submits that the looted motorcycle has not been
recovered from the possession of the petitioner rather the same
has been recovered from one another co-accused person,



namely, Sandarshi Kumar @ Sandarshi Yadav @ Banti. He further submits that there is an unexplained delay in lodging of the FIR inasmuch as, as per FIR the occurrence has taken place on 07.04.2021 and the FIR has been lodged on 09.04.2021.

The petitioner is in custody since 11.04.2021 and the charge-sheet has been submitted in the matter.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the fact that the petitioner is a resident of same village as that of informant, the looted motorcycle has not been recovered from the possession of the petitioner, the petitioner is in custody since 11.04.2021 and the charge-sheet has been submitted in the matter, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, RUPESH KUMAR @ RUPESH YADAV 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 Additional Chief Judicial Magistrate- 3rd, Saharsa in connection with Basnahi PS Case No. 53/2021.

(Anil Kumar Sinha, J)

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