

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52355 of 2021

Arising Out of PS. Case No.-75 Year-2017 Thana- MARAUNA District- Supaul

Mukesh Kumar Yadav @ Mukesh Yadav Son Of Ram Swarup Yadav R/O
Village- Rajaura Mahthaura, P.S.- Andhramath, District- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 09-02-2022 Heard learned counsel for the petitioner and Shri
Amitesh Kumar, learned A.P.P. for the State through virtual
Court proceedings.

The petitioner seeks bail in connection with Marauna
P.S. Case No. 75 of 2017 instituted for the offences under
Section 394 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 04.01.2021, charge-sheet has been
submitted in the case and has antecedent of twelve cases as
mentioned in paragraph '3' of the bail application.

Learned counsel for the petitioner submits that
allegation is of looting motorcycle of the informant by three
criminals and the informant recognised one of the accused as
Rajesh Yadav @ Rajesh Kumar.



Learned counsel for the petitioner submits that based on the confessional statement of Rajesh, the name of this petitioner transpired and even the motorcycle was recovered. It is further submitted that said Rajesh Kumar was acquitted by the learned court below vide order date 24.08.2018 in Case No. 453 of 2018. Learned counsel submits that the persons on whose confession, the name of the petitioner transpired has been acquitted by the learned court below then, the petitioner also deserves to be released on bail.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that it appears that this petitioner was absconding as the co-accused Rajesh has already been acquitted by order dated 24.08.2018 and nearly after two and a half years this petitioner has been arrested and is trying to take advantage of the acquittal of Rajesh.

Considering the fact that the petitioner is in custody since 04.01.2021, charge-sheet has been submitted in the case and co-accused has been acquitted of the charges on whose confessional statement, the name of this petitioner transpired, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate, First Class, Supaul in connection with Marauna P.S. Case No. 75 of 2017 with a condition that one of the bailor shall be the father of the petitioner (Ram Swarup Yadav) and further condition that the petitioner will keep marking his attendance in the concerned police station in between 25-30 of every month commencing from February, 2022 till the charges are framed and in the event if it is reported by the concerned police station to the learned court below that the petitioner in between the aforesaid dates in any of the month till framing of charges has not marked his attendance, the court below shall be at liberty to cancel his bail bonds.

(Satyavrat Verma, J)

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