

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56541 of 2021

Arising Out of PS. Case No.-86 Year-2021 Thana- MADHEPURA District- Madhepura

DEVENDRA KUMAR @ DEV NARAYAN YADAV @ DEVAN NARAYAN
YADAV, SON OF VIDYANAND YADAV R/O PIPRAHI ROAD, P.S.-
MADHEPURA (GHAILARH), DIST.- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Manoj Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 27-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

Let the defects, as pointed out by the office, be removed
within four weeks of start of normal functioning of the physical
court.

Petitioner seeks bail in connection with Madhepura P.S.
Case No. 86 of 2021, registered for the offences punishable under
Section 392 of the Indian Penal Code.

The prosecution case is that the informant gave written
petition to S.H.O. Madhepura that he went to Center Meeting
Collection in Arahra Mahua. After meeting, he went towards
Madhepura on his motorcycle and when he reached at Sabela, his
colleague Neeraj Kumar joined him on his way to Madhepura.
When he reached near Mithai railway crossing, he across from his



colleague Neraj Kumar and waited for his colleague on road in front of Kamleshwari Yadav market and on gun point, petitioner and other accused person snatched Rs. 76,000/- and Samsung Tablet and one Biometric device and fled away.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case. Learned counsel for the petitioner further submits that the petitioner is not named in the FIR. He also submits that the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused namely, Jivan Ram @ Jiwan Prakash who was arrested in Madhepura P.S. Case No.235 of 2021. He further submits that the co-accused, Rajesh Kumar, has been granted bail by order dated 17.12.2021 passed in Cr. Misc. No.49096 of 2021 and the petitioner is in custody since 17.05.2021.

The learned Additional Public Prosecutor opposed the prayer of bail and submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Chief Judicial Magistrate, Madhepura in connection with



Madhepura P.S. Case No. 86 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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