

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51755 of 2022**

Arising Out of PS. Case No.-80 Year-2017 Thana- GWALPARA District- Madhepura

Mrityunjay Yadav Son Of Shyam Sundar Yadav Resident Of Village- Chandi  
Asthan, Gajipaita, P.S.- Sonbarsa Raj, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Chandra Mohan Jha, Advocate

For the Opposite Party/s : Mr. Akbar Ali APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**

ORAL ORDER

2      09-12-2022                      Let the defects, if any, be removed within four weeks  
from today.

Heard Mr. Chandra Mohan Jha, learned counsel for  
the petitioner and learned Additional Public Prosecutor for the  
State through video conferencing.

Petitioner seeks bail in a case registered in connection  
with Gwalpara P.S Case No. 80 of 2017 for the offences  
punishable under Sections 392 of the Indian Penal Code.

The prosecution case is based on a written report  
filed by the informant alleging therein that while the informant  
proceeded from his house by his motorcycle and when he  
reached near Gwalpara market, four persons came on two  
motorcycles and one of the miscreants on the point of pistol  
assaulted him and another miscreants snatched his motorcycle



and his bag containing mobile phone and other valuable articles.

It is further alleged that all the miscreants fled away with the valuables and motorcycles after assaulting him from the butt of the pistol.

Learned counsel appearing on behalf of the petitioner submits that FIR has been instituted against unknown miscreants however, during the course of investigation the looted motorcycle was recovered from an open area near High School, Bishanpur, Sour Bazar, Saharsa. He further submits that the name of the petitioner has transpired on the confessional statement of one Sukesh Kumar and Chandan Kumar. He further drawn the attention of this Court towards Paragraph- 3 of the petition wherein a large number of criminal antecedents of the petitioner has been mentioned and he submits that all the cases of robbery, loot and dacoity, in the locality, committed by unknown miscreants, his name has been implicated and remanded in those cases, which shows the highhandedness of the police. He next submits that the petitioner is in custody since 03.07.2017 and he has been remanded in this case on 20.09.2021 but surprisingly, the charge sheet has been submitted way back in the year 2017 and the learned Magistrate took cognizance on 13.10.2017 itself but at no point of time he was



put on Test Identification Parade.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that the petitioner is found involved in 29 other criminal cases.

Regard being had to the submissions made on behalf of the parties and considering the materials available on the record which suggest that the petitioner has neither been put on TIP nor any incriminating material has been recovered from person or possession and though the petitioner is in custody since 03.07.2017 but he has been remanded in this case on 20.09.2021. Moreover, mere criminal antecedent of a person cannot be a sole ground to refuse the prayer for bail, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1<sup>st</sup> class, Uda Kishunganj, Madhepura in connection with Gwalpara P.S Case no. 80 of 2017 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of



trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

**(Harish Kumar, J)**

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