

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53017 of 2022**

Arising Out of PS. Case No.-406 Year-2019 Thana- MADHEPURA District- Madhepura

P.K. LELE @ PRASHANT KUMAR @ PINKU KUMAR SON OF
SUBHASH YADAV R/O VILLAGE - JAIPAL PATTI, P.S. AND DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Navjot Yesu
Mr. Alok Kumar Singh
For the Opposite Party/s : Mr. Umanath Mishra

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 23-12-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Madhepura Police Station Case No. 406 of 2019, registered for
the offences punishable under Sections 395/379 of the Indian
Penal Code.

The prosecution case, as per the First Information
Report, is that five miscreants, sitting on two motorcycles,
intercepted the informant while he was going on a motorcycle
and they assaulted the informant by the butt of the pistol and
fled away along with the motorcycle of the informant. One of
the miscreants, namely, Rakesh Kumar @ Rustam, was
apprehended by the police, who disclosed that the petitioner fled



away with the motorcycle of the informant.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and his name has transpired on the basis of the statement made by co-accused before the police. He further submits that no incriminating article and/or looted motorcycle has been recovered from the possession of the petitioner and the looted motorcycle has been recovered from the possession of co-accused Babul Kumar, who has been granted bail by a co-ordinate Bench of this Court, vide order, dated 30.08.2019, passed in Criminal Misc. No. 52998 of 2019. He further submits that co-accused persons, namely, Rakesh Kumar @ Rustam (vide order, dated 18.11.2019, passed in Criminal Misc. No. 51093 of 2019) and Abhimanyu Kumar Star (vide order, dated 13.10.2020, passed in Criminal Misc. No. 25993 of 2020) have also been granted bail by co-ordinate benches of this Court. He further submits that the petitioner is in custody since 18.01.2020, having no criminal antecedent and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the



materials available on record and the fact that no incriminating material has been recovered from the possession of the petitioner, co-accused persons have been granted bail by this Court, charge sheet has already been submitted and the petitioner is in custody since 18.01.2020, having no criminal antecedent, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

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, 1st Class, Madhepura, in connection with Madhepura Police Station Case No. 406 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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