

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64649 of 2021**

Arising Out of PS. Case No.-194 Year-2020 Thana- NAUHATTA District- Saharsa

Pradeep Kumar @ Pradip Kumar @ Pradeep Kumar Yadav @ Magniya, S/o
Bachneshwar Yadav @ Bachcha Yadav, Resident of Village-
Chandrayan, Ward No.13, P.S.- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 15-04-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Nauhatta
P.S. Case No.194 of 2020 initially registered for the offence
punishable under Sections 457, 380 of the Indian Penal Code, in
which later on Sections 394 and 411 of the Indian Penal Code
has been added.

It is alleged in the prosecution case that the
informant had gone out to ease himself at around 02:30 A.M. in
the night when he was attacked by some thieves who escaped.

The counsel for the petitioner submits that the
petitioner is not named in the FIR and has been implicated by
the alleged co-accused, namely, Rohit Kumar Maharaj, whose



statement has been recorded in police custody and has no veracity in the eyes of law. The petitioner is in custody since 29.07.2021 and is on bail in Nauhatta P.S. Case No.99 of 2017.

Submission is that there is no recovery of any incriminating material either from his possession or from his house.

Learned APP for the State has opposed the prayer for bail.

Having regard to the rival submissions, period of custody and the defence raised by the petitioner for the purposes of grant of bail that his implication is based on the statement of co-accused recorded in police custody, leading to no recovery, this Court is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Accordingly, 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 C.J.M., Saharsa, in connection with Nauhatta P.S. Case No.194 of 2020, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how



he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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