

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68157 of 2021

Arising Out of PS. Case No.-246 Year-2018 Thana- MADHEPURA District- Madhepura

LALTU KUMAR Son of Jay Kishor Yadav Resident of Village- Sahugadh
(Sahugah) Morkhai, P.S.- Madhepura, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 05-05-2022 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks regular bail in connection with
Madhepura P.S. Case No. 246 of 2018 for the offence registered
under Sections 401, 414, 34 of the Indian Penal Code.

The case of the prosecution in brief is that the co-
accused person namely Rajdeep Kumar was roaming around the
branch office of the P.N.B. in a suspicious condition, whereafter
he is stated to have started opening the lock of a motorcycle,
however, in the meantime, he was surrounded by the commando
team and from the possession of the said Rajdeep Kumar, one
motorcycle and other equipments used for breaking locks were
recovered. On interrogation, the said Rajdeep Kumar is stated
to have disclosed the name of his accomplices including that of
the petitioner herein.



The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case and he is languishing in custody since 24.08.2021. The learned counsel for the petitioner has further submitted that though the petitioner is accused in one other case but he is on bail in the said case. It is also submitted that neither the petitioner has been arrested from the spot nor any incriminating article much less any stolen motorcycle has been recovered from the possession/house of the petitioner, hence the petitioner is not having any complicity in the matter.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that neither any incriminating article nor any stolen motorcycle has been recovered from the possession/house of the petitioner apart from the fact that the name of the petitioner has transpired in the present case merely on the confessional statement made by the co-accused person Rajdeep Kumar who has already been granted bail by a coordinate Bench of this Court vide order



dated 17.07.2018 passed in Criminal Misc. No. 42433 of 2018,
I deem it fit and proper to direct for release of the petitioner
herein on regular bail.

Accordingly, the petitioner, above named, is directed
to 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 learned C.J.M., Madhepura in connection with
Madhepura P.S. Case No. 246 of 2018.

(Mohit Kumar Shah, J)

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