

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21731 of 2023

Arising Out of PS. Case No.-168 Year-2022 Thana- JHANJHARPUR District- Madhubani

Dev Krishna Yadav @ Rudal Yadav @ Dev Krishna Kumar Yadav @ Dev Krishna Kumar, Male, aged about 25 years, son of Bechan Yadav @ Bechan Prasad Yadav, resident of village - Siswabarhi, P.S. - Phulparas, Distt. - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Jhanjharpur (ASOP) P.S. Case No. 168 of 2022 dated 02.08.2022, instituted for the offences punishable under Section 392 of the I.P.C.

3. The prosecution case, in short, is that on 10.07.2022, at about 08:30 pm, when the informant was going to his house from his village four unknown miscreants on motorcycle came; surrounded him and on gun point took his mobile phone with SIM cards and cash amounting to Rs. 1500/- and thereafter they fled away.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. Learned counsel for the petitioner submitted that only on the basis of suspicion the petitioner has been arrested and thereafter his confession was recorded. Petitioner is not named in the FIR. Learned counsel further submits that nothing was recovered from his possession and no Test Identification Parade has been conducted by the police till now. Lastly, it has been submitted that the petitioner is in custody since 29.09.2022 and charge-sheet has been submitted in the case. Three criminal cases are pending against the petitioner.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Jhanjharpur, Madhubani, in connection with Jhanjharpur (ASOP) P.S. Case No. 168 of 2022, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

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