

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21560 of 2023

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

Vivek Kumar Yadav @ Vivek Yadav S/O Krishan Kumar Yadav @ Krishna Kumar Yadav Resident of Village- Godhiyari, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 22851 of 2023

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

Pappu Kumar Yadav Son of Hem Narayan Yadav R/V- Mahathaur Khurd, P.S- Phulparas, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 21560 of 2023)

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

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

(In CRIMINAL MISCELLANEOUS No. 22851 of 2023)

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav, Advocate

For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners seek bail in connection with Jhanjharpur (ASOP) P.S. Case No. 168 of 2022 giving rise to G.R. No. 1304 of 2022 registered on 02.08.2022 for the alleged offences under Sections 392 of the Indian Penal Code.

3. As per prosecution case, while the informant was



returning to his house by a motorcycle, four miscreants on two motorcycles surrounded the motorcycle of the informant and one of the miscreants drew a pistol and demanded the belongings of the informant. One of the miscreants snatched two mobile phones of the informant whereas another miscreant took away Rs. 1,500/- from the pocket of the informant. The name of the petitioners transpired during investigation as one of the accused persons involved in the present case.

4. It has been submitted on behalf of the petitioners that the petitioners are innocent and have been falsely implicated in this case. The petitioners are not involved in the offence as alleged and nothing incriminating or looted articles have been recovered from the possession of the petitioners. No Test Identification Parade was conducted to establish the identity of the petitioners. The petitioners are in custody since 29.09.2022 and charge sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioners submitting that the petitioners are having criminal antecedent.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from the petitioners of any



looted articles and further considering their period of custody and submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Jhanjharpur, District Madhubani/court concerned in connection with Jhanjharpur (ASOP) P.S. Case No. 168 of 2022 corresponding to G.R. No. 1304 of 2022, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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