

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24877 of 2022

Arising Out of PS. Case No.-73 Year-2021 Thana- KANGLI District- West Champaran

Rupesh Yadav, aged about 19 years male, Son of Guli Yadav Resident Of
Village- Daaptad, Majhariya, P.S- Kangli, Dist- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Shivjee Singh, Adv.
For the State	:	Mr. Parmanand Kumar, A PP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with *Kangli PS Case No. 73 of 2021* registered for the offence punishable under Section 392 of the Indian Penal Code.

3,40,000/-(Three Lacs Forty Thousand) has been looted from the informant, as per prosecution case, by two unknown persons.

Learned counsel for the petitioner submits that the petitioner has been made a victim of false implication. The same is apparent from the fact that the '*Fardbeyan*' of one Amit Kumar Barnwal has been recorded. However, in the column of informant, the Assistant Sub Inspector of Kangali Thana has claimed to be the informant. The said Amit Kumar Barnwal has not come forward to become the informant of the case. The petitioner is in custody since 14-10-2021. and there is no recovery of any incriminating material from the petitioner whatsoever. He has no antecedents, as per disclosure made



in para 3 of the bail petition and charge sheet has been submitted. It is also submitted that as per the First Information Report (*for brevity* 'FIR') informant claims that he is in a position to identify the accused persons, however, till date Test Identification Parade (*for brevity* 'TIP') has not been conducted.

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

Considering the rival submissions, the period of custody, filing of charge-sheet and the fact that no recovery whatsoever has been made from the petitioner, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 Judicial Magistrate 1st Class, Bettiah, West Champaran, in connection with *Kangli PS Case No. 73 of 2021*, 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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