

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25339 of 2023

Arising Out of PS. Case No.-88 Year-2022 Thana- ARER District- Madhubani

PAPPU YADAV Son of Vishundev Yadav Resident of village - Khairamat,
P.S.- Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate Mr. Vinod Kumar, Advocate
For the Opposite Party/s	:	Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
31.08.2022 in connection with Arer P.S. Case No. 88 of 2022 ,
F.I.R. dated 02.07.2022 for the offences punishable under
Sections 394 of the Indian Penal Code.

According to prosecution case, in brief that on
01.07.2022 informant was going toward his house there in mid
way he was intercepted by two motorcycles miscreants who
over took him and took out the keys of his motorcycle and also
assaulted him and when he fell down over the ground,
miscreants looted total Rs. 12,000/- and mobile phone from his
pocket and the accused persons also snatched his motorcycle



and fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Sonu Kumar Mukhiya and in absence of the petitioner one motorcycle has been recovered from the house of the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 31.08.2022

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedent other than the present one but fairly submits that out of six criminal antecedents petitioner is on bail in two cases as mentioned in Para-3 of the bail petition.

Considering the aforesaid facts and circumstances, 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 Court of
S.D.J.M., Benipatti, Madhubani in connection with Arer P.S.
Case No. 88 of 2022 , subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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