

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30316 of 2023

Arising Out of PS. Case No.-515 Year-2022 Thana- PHULPARAS District- Madhubani

PRAKASH KUMAR YADAV SON OF SHOBHALAL YADAV VILLAGE
NAVTOL (DHANOUJA) PS -PHULPARAS ,DIST MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Jha

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 24-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 392/411 of the Indian
Penal Code.

3. As per prosecution case, when the informant was
going to participate in center meeting organized Andharathari by
his motorcycle being a worker of Utkarsh Small Finance Bank.
Thereafter, three persons surrounded his motorcycle and
snatched his motorcycle after committing assault then they were
running towards the village and in meanwhile, the informant
informed the police subsequently. The police reached there and
with the help of villagers the apprehended person disclosed his
name Prakash Kumar Yadav (petitioner) but two other persons



were succeeded to flee away and left the motorcycle.

4. It is submitted by learned counsel for the petitioner that petitioner has been falsely implicated in this case due to dirty village politics. He has committed no offence. He submitted that from the contents of FIR, it is evident that only informant was going to participate in meeting by his motorcycle but from the perusal of the seizure list, it is evident that the name of Manager of Utkarsh Small Finance Bank, where informant was working as mentioned in seizure list as seizure witness, who was not there, which indicates that the entire prosecution story is only hatched up. No incriminating article has been recovered from the conscious possession of the petitioner, whereas recovery with regard to the concern mobile it belongs to the petitioner itself, which has been snatched by the police. He further submitted that the said occurrence was committed at 8:00 AM and on the same time petitioner was arrested by the local police and the seizure list has been prepared at 10:20 AM, which is sufficed to indicate the so-called seizure list was not prepared at the place of occurrence, which does not corroborate the prosecution case. The provision of Section 100 of the Cr.P.C. has not followed in this case. He is languishing in judicial custody since 03.11.2022.



5. The application for bail is opposed by learned APP
for the State.

6. Having heard learned counsel for the parties and
considering the facts and circumstances of the case as well as
period of custody, this court is inclined to enlarge the petitioner
on bail. The above named petitioner is directed to be enlarged
on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand
only) with two sureties of the like amount each to the
satisfaction of the learned Court below in connection with
Phulparas P.S. Case No. 515 of 2022.

(Sunil Kumar Panwar, J)

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