

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.31615 of 2023**

Arising Out of PS. Case No.-207 Year-2022 Thana- NATHNAGAR District- Bhagalpur

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RUPESH KUMAR @ RUPESH @ MANGA YADAV SON OF KHOKHA  
YADAV RESIDENT OF VILLAGE- KARALLA, PS- NATHNAGAR,  
DISTT- BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Ms. Prakritita Sharma, Advocate  
Mr. Krishna Chandra, Advocate  
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
ORAL ORDER

2      21-06-2023                      Heard learned counsel for the petitioner and the  
  
learned APP for the State.

The petitioner is in judicial custody in connection  
with Nathnagar P.S. Case No.207 of 2022 instituted under  
Section 392 of the Indian Penal Code lodged on 29.03.2022 by  
the informant Sanjeet Choudhary.

As per the prosecution story, when the informant was  
moving from Bhagalpur to Nathnagar on an auto, three accused  
persons came and decamped with his mobile as also Rs.330/- on  
the point of pistol. Accordingly, the FIR.

Learned counsel for the petitioner submits that he has  
criminal antecedent and as such in each and every robbery  
cases, he is made accused by the concerned police. Further,



although he is in custody, no T.I. parade has been done nor anything recovered from his conscious possession.

Learned APP opposes the prayer for bail stating that he has criminal antecedent of the same nature.

Considering the period of custody (30.04.2022 para-16 of the petition) as also the fact that although he is in custody since last one year no TI parade has been done nor anything has been recovered from his possession, this Court is inclined to extend him privilege of bail with strict conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Nathnagar P.S. Case No.207 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

**(Rajiv Roy, J)**

Prakash Narayan /-

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