

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38650 of 2022**

Arising Out of PS. Case No.-286 Year-2021 Thana- SINGHESHWAR District- Madhepura

SAGAR KUMAR SON OF AKHILESH YADAV R/O VILLAGE-  
RUPAULI, WARD NO.-01, P.S.- GAMHARIYA, DISTRICT-  
MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Uday Chand Prasad, Adv.  
For the State : Mr.Mukeshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

3      20-01-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with  
Singheshwar P.S. Case No. 286 of 2021 registered for the  
offence punishable under Section 392 of the Indian Penal Code.

As per prosecution case, on 07.12.2021 the  
informant kept Rs. 3,00,000/- in the dicky of his motorcycle and  
proceeded towards his shop on the said motorcycle. In the way,  
four unknown miscreants on two motorcycles stopped the  
informant and looted the aforesaid money from the informant on  
gun point and fled away. The informant claimed to identify all  
of them.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR and his name has been surfaced in this case upon his self confessional statement which was recorded in Shankarpur P.S. Case No. 221 of 2021, as mentioned in the impugned order. He further submits that no incriminating article has been recovered from the possession of the petitioner. Except self confessional statement of the petitioner, there is nothing on record to connect the present petitioner with the alleged occurrence. Petitioner has not been put on TIP. Petitioner is in custody since 23.03.2022. Petitioner bears criminal antecedent of three cases which have been registered in the year 2021 which shows that petitioner has been implicated in these cases in a routine manner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner on the ground of his criminal antecedent.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on



record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Singheshwar P.S. Case No. 286 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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