

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51157 of 2022

Arising Out of PS. Case No.-488 Year-2019 Thana- PHULPARAS District- Madhubani

DHARMENDRA YADAV SON OF KARI YADAV RESIDENT OF
VILLAGE- SISWABARHI, P.S.- PHULPARAS, DISTRICT- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Bharti

For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 03-02-2023 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P. for the State in virtual court proceeding.

The petitioner seeks bail in connection with Phulparas P.S. Case No. 488 of 2019 giving rise to G.R. No. - 1920 of 2019 registered for the offences punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, three miscreants came to the informant's shop and at the point of pistol they looted Rs. 12,500/- from the pocket of informant. It is further alleged that one of miscreants looted Rs. 25,000/- from the cash counter and they also looted mobile phone and motherboard of closed circuit camera. It is further alleged that miscreants were aged about



20-35 years.

Learned counsel for the petitioner submits that petitioner is not named in FIR. During course of investigation the name of the petitioner has been surfaced in the present case. Except suspicion, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is quite innocent and has committed no offence as alleged against him in FIR and he has falsely been implicated in the present case. No incriminating article has been recovered from the possession of the petitioner and no T.I.P. has been conducted uptill now. Learned counsel for the petitioner submits that petitioner is in custody since 08.04.2022 and bears criminal antecedent of four cases in which he is on bail. 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 vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, no incriminating article has been recovered from the possession of the petitioner, 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 A.C.J.M.-II, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 488 of 2019 corresponding to G.R. No.- 1920 of 2019, 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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