

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52737 of 2022

Arising Out of PS. Case No.-328 Year-2021 Thana- RANIGANJ District- Araria

Mithu Yadav @ Mithilesh Kumar Yadav, Son of Jagat Narayan Yadav,
Resident of Village - Gharbandga, P.S.- Raniganj, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 14-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Kundan Kumar Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Raniganj P.S. Case No. 328 of 2021 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that while the informant along with his brother-in-law were going on his motorcycle by keeping Rs. 6 lakhs cash in the bag, in the meantime, two miscreants overtook his motorcycle and on the



point of pistol, snatched the bag containing cash and fled away.

Learned counsel appearing on behalf of the petitioner submits that the FIR has instituted against unknown miscreants, however, during the course of investigation one accused namely, Ramanand Yadav was apprehended and the name of the petitioner surfaced in his confessional statement made before the police. He further submits that neither any incriminating material has been recovered from the person or possession of the petitioner nor he has been put on Test Identification Parade. He next drawn the attention of this Court to para 3 of the bail application and submits that initially the petitioner was apprehended in connection with Raniganj P.S. Case No. 130 of 2021 under Section 392 of the Indian Penal Code which was also instituted against unknown miscreants and thereafter, he has been remanded in six other criminal cases and the petitioner is not named in any of these cases. He next submitted that save and except the confessional statement, there is no material suggesting the complicity of the petitioner in this case and, moreover, investigation of the crime is complete and he is in custody since 04.03.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



petitioner is found involve in seven other identical nature of crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has transpired on the confessional statement of co-accused and there is no recovery of any incriminating material nor the petitioner has been put on Test Identification Parade till date, coupled with the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate VI, Araria in connection with Raniganj P.S. Case No. 328 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates



without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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