

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58665 of 2023

Arising Out of PS. Case No.-127 Year-2022 Thana- PRANPUR District- Katihar

BIKASH YADAV SON OF UCHIT YADAV RESIDENT OF VILLAGE-
DHURIYAH, PS- MANIHARI, DISTT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajendra Prasad Sah, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Pranpur P.S. Case No. 127 of 2022 registered under Section 392 of the Indian Penal Code lodged on 25.06.2022 by the informant, Md. Hanif.

3. As per the prosecution story, the informant alleged that near Suranda bridge, three persons on a motorcycle overtook the informant started assaulting him as also his cousin brother and relieved them of Rs. 5,500/-, the mobile as also the motorcycle. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that one Rahul Kumar was arrested and in his confessional statement, the name of the petitioner has cropped up and nothing has been



recovered from his conscious possession nor he has been put on Test Identification Parade and is in custody since 20.02.2023 (as stated in paragraph-13 of the petition).

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

6. Considering the submissions put forward by the learned counsel for the parties, though his name has come in the confessional statement, nothing has been recovered from his conscious possession nor put on Test Identification Parade, this Court is inclined to grant him privilege of bail but only after framing of the charge in view of the fact that he has criminal antecedent of the same nature.

7. Let the petitioner be released on bail after framing of the charge on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Katihar in connection with Pranpur P.S. Case No. 127 of 2022, subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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 fortnight for next six months 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 his 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)

Jagdish/-

U		T	
---	--	---	--

