

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54887 of 2022

Arising Out of PS. Case No.-210 Year-2019 Thana- BARURAJ District- Muzaffarpur

BABBU KUMAR YADAV @ BABU KUMAR YADAV Son Of Deva Yadav,
resident of Village- Naya Tola, Jurabganj, Police Station- Kodha, District-
Katihar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra,Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit,APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Baruraj P.S. Case No.210 of 2019, registered for the offences punishable under Sections 392, 411 and 414 of the Indian Penal Code and Sections 25 1-b, 26 and 35 of the Arms Act, inasmuch as the earlier petition of the petitioner for grant of bail was rejected by a co-ordinate Bench of this Court vide order dated 05.01.2022, passed in Criminal Miscellaneous No.59101 of 2021.

The allegation levelled by the informant is that on 25.10.2019, she had withdrawn a sum



of Rs.49,000/-, from the bank for purchasing ornaments for her daughter on the eve of *Dhanteras* and after purchasing some ornaments, while she was returning home, four unknown miscreants had snatched her bag containing Rs.51,000/-, PAN Card, Aadhar Card, Pass Book and Hanumani locket.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is having a clean antecedent and he is languishing in custody since 14.01.2020. The learned counsel for the petitioner has submitted that while rejecting the prayer of the petitioner for grant of bail on the earlier occasion, a co-ordinate Bench of this Court had rejected the prayer of the petitioner for grant of bail considering the fact that the Trial Court had furnished a report wherein it had been stated that the trial is likely to be concluded within a period of six months, however, the fact is that there is no progress, whatsoever in the ongoing trial and the



petitioner is languishing in custody since about three years.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials on record as also considering the period of incarceration of the petitioner herein, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged 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 Judicial Magistrate, 1st Class, Muzaffarpur West in connection with Baruraj P.S. Case No. 210 of 2019.

(Mohit Kumar Shah, J)

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