

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60184 of 2022

Arising Out of PS. Case No.-111 Year-2021 Thana- KUSHESHWARASTHAN District-
Darbhanga

RAKESH YADAV Son of Ram Balak Yadav R/V- Bhushkorba (Shankarpur)
P.S- Kusheshwar Asthan (O.P- Tolkeswar) Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-01-2023 Heard the learned counsel for the
petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Kusheshwar Asthan P.S. Case No.111 of 2021, registered for the offence punishable under Section 379 of the Indian Penal Code. Later on, Section 411 of the Indian Penal Code was added.

The allegation is regarding some unknown miscreants having intercepted the informant and his companions, who were returning after collecting money in connection with their business and had reached Nawtoliya Puliya, on the alleged date and time of



occurrence, whereafter the said miscreants had snatched a bag containing a sum of Rs.94,930/- in cash, one biometric machine, driving license, two ATM cards and three mobile phones and had then fled away.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 09.09.2021. He has further submitted that only because the petitioner is having a bad antecedent, he has been falsely implicated in the present case, nonetheless, the fact is that the name of the petitioner has transpired in the present case upon the confessional statement of the co-accused person, namely, Nitish Poddar. He has also submitted that no test identification parade has been held so as to connect the petitioner with the alleged crime nor any looted cash amount/articles have been recovered from the possession of the petitioner, thus, the petitioner is not having any complicity in the



matter.

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 fact that no test identification parade has been held so as to connect the petitioner with the alleged crime nor any looted cash amount/articles have been recovered from the petitioner, I deem it fit and proper to direct for release of the petitioner on regular bail, however subject to certain condition on account of his bad antecedent.

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 ACJM-IV, Biraul, District-Darbhangha in connection with Kusheshwar Asthan



P.S. Case No.111 of 2021.

It is further directed that the petitioner would mark his attendance before the Officer-in-Charge of the concerned police station on each Monday of the week at 10:30 am and in the event of two consecutive defaults, the present privilege of regular bail, being granted to the petitioner herein, shall stand cancelled automatically.

(Mohit Kumar Shah, J)

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