

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4773 of 2023

Arising Out of PS. Case No.-896 Year-2020 Thana- MADHEPURA District- Madhepura

MUNNA YADAV @ MUNNA KUMAR SON OF BHUPENDRA KUMAR
@ BHUPENDRA KUMAR R/O VILLAGE- CHOURAHA, P.S.-
SHANKARPUR, DISTRICT- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No. 64
of 2022 arising out of Madhepura P.S. Case No. 896 of 2020 dated
28.11.2022 registered for the offence under Sections 392, 395 &
412 (later on) of the Indian Penal Code.

Three persons are alleged to have overtaken the
informant on the point of gun and looted his mobile, one tablet,
bio-metric Identity card, Adhar card, Pan and cash of Rs. 2500
and fled away.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on



the basis of confessional statement of the co-accused, Sandeep Kumar @ Pahalwan. He further submits that, in fact, nothing has been recovered from the conscious possession of the petitioner. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, the co-accused, namely, Sandeep Kumar @ Pehalwan has already been granted bail by a co-ordinate Bench of this Court vide order dated 25.03.2022 passed in Cr. Misc. No. 61948 of 2021 and other co-accused persons namely, Md. Sabbir and Dilkhus Kumar @ Dilkhush Yadav have also been granted bail by a co-ordinate Bench of this Court vide order dated 23.05.2022 and 28.06.2022 passed in Cr. Misc. No. 4143 of 2022 and Cr. Misc. No. 5822 of 2022, respectively. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 28.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-1st,



Madehpura in connection with S.T. No. 64 of 2022 arising out of
Madhepura P.S. Case No. 896 of 2020 with the following
conditions:-

(1) Petitioner shall co-operate in the trial and shall be
properly represented on each and every date fixed by the Court
and shall remain physically present as directed by the Court and
on his/her absence on two consecutive dates without sufficient
reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that 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 step for cancellation of bail
bond of the petitioner. However, the acceptance of bail bonds in
terms of the above-mentioned order shall not be delayed for
purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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