

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77286 of 2023

Arising Out of PS. Case No.-169 Year-2021 Thana- NOORSARAI District- Nalanda

Mukesh Kumar @ Mukesh Yadav Son Of Virmani Prasad Resident Of Village
Rupan Bigha, P.S.- Tharthari, District- Nalanda

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Dr.Mrityunjaya Kr.Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Noorsarai P.S. case No.
169 of 2021 instituted for the offences under Sections 394, 395
and 412 of the Indian Penal Code.

3. Prosecution allegation, in short, is that on the point
of pistol, four miscreants took away the key of the informant's
truck loaded with onion as well as mobile of the informant and
his co-driver and tied the informant and co-driver. When the
police reached, they found the stolen truck loaded with onions.

4. It has been submitted on behalf of the petitioner
was arrested in connection with Sarmera P.S. case No. 111 of
2021 and remanded in this case on 09.07.2021. The petitioner



bear eight criminal antecedents and in all the cases, he is on bail. Charge-sheet has already been submitted in this case. The petitioner is not named in the F.I.R. The name of the petitioner has transpired on the basis of his self-confession made before the police. No T.I.P. has been conducted to ascertain the participation of the petitioner in the present case. No incriminating article has been recovered from the conscious possession of the petitioner. The petitioner has nothing to do with the alleged occurrence. Similar co-accused has been granted bail by a Coordinate Bench of this Court vide order dated 01.12.2023 passed in Cr. Misc. No. 75692 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Noorsarai P.S. case No. 169 of 2021 subject to the following conditions:

(I) One of the bailors shall be own/close member of



the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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