

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 33647 of 2024

Arising Out of PS. Case No.-152 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Babul Kumar @ Babul Yadav @ Bablu Kumar Son of Devesh Kumar @
Davesh Yadav Resident of Village - Bhatpura, Ward No.- 05, Police Station -
Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bakhtiyarpur (Balwahat O.P.) P.S. Case No. 152 of 2022 registered on 24.04.2022 for the alleged offences under Section 379 and 411 of the Indian Penal Code.

3. As per prosecution case, the motorcycle of the informant was taken away by 4-5 miscreants and the miscreants also took away mobile phone and cash of Rs. 7000/- which was kept in the dicky of the motorcycle. The name of the petitioner transpired during investigation as one of the miscreants involved in the alleged occurrence.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The name of the petitioner transpired in this case in the confessional statement of co-accused, Ranjeet Yadav. The occurrence took place 21.04.2022 but the F.I.R. has been registered on 24.04.2022 and the delay is not explained. Nothing incriminating has been recovered from the conscious or constructive possession of this petitioner. The petitioner has nothing to do with the co-accused who named the petitioner and the recovery has been shown from the co-accused. The father of the petitioner is a political leader and due to this fact, he is having several enemies and for this reason, the petitioner has been roped in the present case. Three days prior to filing of the present F.I.R., the petitioner was named in two more cases, under Sections 395 397 and Section 225 (1-B)a/26/35 of the Arms Act, but in none of the cases, the petitioner was named in the F.I.R. The petitioner is a student and passed Intermediate examination. Learned counsel for the petitioner further submits that except for the confessional statement of the co-accused, there is no material against the petitioner.

5. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the



petitioner.

6. Having regard to the facts and circumstances and submission made on behalf of the parties and considering lack of substantive material to connect the petitioner with the offence as alleged and also considering possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of Court of learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur (Balwahat O.P.) P.S. Case No. 152 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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