

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37948 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- MADHEPURA District- Madhepura

Jyotish Kumar Son Of Wakil Yadav @ Wakil Yadav Resident Of Village-
Jhitkiya, P.S.- Madhepura (Ghaillarh O.P), Distt- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

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

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in Madhepura (Ghaillarh O.P.) P.S. Case No. 90 of 2024, instituted for the offences punishable under Section 392 of the Indian Penal Code.

3. The prosecution case, in short, is that, three unknown miscreants intercepted the informant on the way to his house and looted his motorcycle, mobile phone and other several articles at the gun point.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious



possession of the petitioner. It is further submitted that the petitioner was not arrested on spot. Name of the petitioner has transpired on the basis of confessional statement made by co-accused Sushil Kumar which has no evidentiary value. Except mobile phone nothing has been recovered from the possession of the petitioner. The petitioner is in custody since 03.02.2024 and has got three criminal antecedents in which the petitioner is on bail in two cases.

5. Learned APP 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 taking into account 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Madhepura (Ghaillarh O.P.) P.S. Case No. 90 of 2024, 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)

Rajorshi/-

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