

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 40550 of 2024**

Arising Out of PS. Case No.-423 Year-2023 Thana- PHULPARAS District- Madhubani

Kamlesh Yadav @ Kamlesh Kumar @ Kamlesh Kumar Yadav Son of  
Mahendra Yadav R/O Vill.- Dudhaila, P.S.- Andhramath, Dist.- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

2      03-07-2024                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Phulparas P.S. Case No. 423 of 2023 registered on 05.08.2023 for the alleged offences under Section 379 & 356 of the Indian Penal Code.

03. As per prosecution case, six miscreants stopped the vehicle of the informant and threatened him with a pistol, assaulted the informant and his brother-in-law. They snatched mobile phone and Rs. 1 lakh along with other documents from the informant. Petitioner is stated to be one of the miscreants whose name transpired during investigation.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case.

The name of the petitioner came out on the basis of confessional statement of the co-accused, namely, Nabab Jaan who named this petitioner along with others for their involvement in snatching of the mobile phone and cash from the informant. However, nothing incriminating has been recovered from conscious possession of the petitioner and no substantive material has come up against the petitioner showing his involvement. Learned counsel further submits that the petitioner is having antecedent of one case, the said case arises out of simple village quarrel and in the said case he is on bail.

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

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the remoteness of allegation and lack of substantive material and also considering possibility of false accusation, 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) each with two sureties of the like amount each to the satisfaction of Court of learned A.C.J.M.-II, Jhunjharpur, Madhubani in connection with Phulparas P.S. Case No. 423 of 2023, 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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