

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45273 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Madhav Jha Son of Dharmdev Jha @ Kamaldeo Jha Resident of Vill- Aurahi,
P.S.- K. Asthan, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate
For the Informant	:	Mr. Krishna Prasad Singh, Sr. Advocate
For the State	:	Mr. Ram Sevak Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2024 Learned counsel for the petitioner is directed to make

necessary correction in page no. 6 of the bail petition during

course of the day.

2. Heard Mr. Yogesh Chandra Verma, learned Senior
counsel for the petitioner, Mr. Krishna Prasad Singh, learned
Senior counsel for the Informant and Mr. Ram Sevak
Choudhary, learned APP for the State.

3. Petitioner seeks bail, who is in custody since
30.01.2024, in connection with K. Asthan P.S. Case No. 11 of
2024, F.I.R. dated 19.01.2024 registered for the offences
punishable under Sections 394/34 of the Indian Penal Code and
Section 27 of the Arms Act.

4. The F.I.R. of the occurrence of loot is against



unknown.

5. Learned Senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Kanhaiya Kumar Rai and except the aforesaid, no other material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that till date no test identification parade was conducted by the prosecution and some amount has been recovered from the possession of the petitioner but the same was not put on T.I.P. and the police after investigation submitted chargesheet against the petitioner under Section 395 of the Indian Penal Code and the petitioner is in custody since 30.01.2024.

6. Learned Senior counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that it has come in paragraph-121 of the case diary that the petitioner was in regular touch with co-accused person Alok Kumar Singh @ Sonu Singh who has identified in the



T.I.P. and apart from that some looted amount has also been recovered from the possession of the petitioner as well as petitioner carries one more case other than the present one but fairly submits on the basis of paragraph-3 of the bail petition that the petitioner is on bail in the pending matter.

7. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Biraul, Darbhanga in connection with K. Asthan P.S. Case No. 11 of 2024, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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