

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68306 of 2024**

Arising Out of PS. Case No.-14 Year-2024 Thana- KHUTAUNA District- Madhubani

Raushan Kumar @ Raushan Kumar Yadav S/o Devendra Prasad Yadav R/o  
Village- Kishanipatti, P.S.- Phulparas, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      04-10-2024                      Heard the learned Advocate for the petitioner and the  
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Khutauna P.S. Case No. 14 of 2024 giving rise to G.R. No. 94 of 2024, registered for the offence punishable under Section 394 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly while the informant was going to Rajnagar, in the meantime, four persons riding on two motorcycles intercepted him and snatched away the valuables on the point of pistol. The accused persons also assaulted the informant due to which he sustained injury.

4. Learned Advocate for the petitioner contended that the FIR has been instituted against unknown miscreants.



However, during the course of investigation, on the basis of confessional statement of co-accused Pankaj Kumar, a motorcycle was recovered from the possession of the co-accused Ranjay Kumar Yadav, which is said to have been used at the time of crime. In fact, the looted motorcycle has been recovered from the scrap shop of Ranjan Kumar Yadav, with whom the petitioner has no concern. It is next contended that, be that as it may, the crime, in question, is triable by the Magistrate. Till date, the petitioner has not been put on Test Identification Parade. Save and except the suspicion, there is no material as to whether the petitioner had participated in the crime or not. It is lastly contended that one of the co-accused person, from whose possession motorcycle has been recovered, accorded the privilege of regular bail by this Court in Cr. Misc. No. 62199 of 2024 vide order dated 04.09.2024, the copy of which has been placed before this Court and taken on record.

5. On the other hand, learned APP for the State opposed the bail application and submits that the petitioner bears two criminal antecedents over his head and as such he appears to be a habitual offender.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner



is in custody since 02.03.2024 but till date he has not been put on Test Identification Parade, moreover the entire case is based on confession and after completion of the investigation charge sheet has been submitted, coupled with the fact that co-accused person, from whose possession motorcycle was recovered, has been allowed bail by this Court, let the petitioner, named above, 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 learned Chief Judicial Magistrate - 1<sup>st</sup> Class, Jhanjharpur, Madhubani in connection with Khutauna P.S. Case No. 14 of 2024 giving rise to G.R. No. 94 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

**(Harish Kumar, J)**

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