

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77369 of 2024

Arising Out of PS. Case No.-268 Year-2023 Thana- BIRPUR District- Supaul

Prabhash Kumar @ Prabhas @ Prabhash Kumar Yadav S/O Sri Upendra
Yadav R/O Village- Araraha, Ward No.- 15, P.S- karjain Bazar, District-
Supaul, Bihar- 854339.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrit Abhijat

For the Opposite Party/s : Mr.Mukesh Kumar Singh

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

ORAL ORDER

4 06-12-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Birpur
P.S. Case No. 268 of 2023 corresponding to Sessions Case No.
128 of 2024 and 204 of 2024 instituted for the offences under
Section 392 of the Indian Penal Code but, subsequently, charge-
sheet has been submitted under Sections 395, 412 of the Indian
Penal Code.

3. As per prosecution case, the accusation against the
petitioner is of looting Oppo A155 Mobile Phone of the
Informant having Sim bearing mobile number 8092337722,
Owner Book of his motorcycle, his PAN card, Aadhar Card, a
card of Gram Raksha Dal and other documents, cash money and



his Honda Shine SPBS6 motorcycle.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and his name has been surfaced in this case on the basis of the confessional statement of the co-accused Dinesh Kumar Yadav, Barun Kumar and Nilesh Kumar. In course of investigation, the petitioner was not put on TIP for his being identified by the Informant and other witnesses of the case. The petitioner has been remanded in this case on 13.02.2024 on the basis of suspicion and, since then, he is in custody. Except suspicion, there is nothing against the petitioner showing the petitioner of being involved in the alleged occurrence. During investigation, not a single witness has come forward of seeing the petitioner to be indulged in the alleged occurrence. He further submits that no article of stolen property has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged occurrence. The petitioner has three criminal antecedents and charge-sheet has been submitted in this case.

5. Learned counsel for the petitioner again submits that the co-accused namely Nilesh Kumar and Vikash Kumar @



Vikash Kumar Yadav have been granted bail by this Court vide orders dated 10.05.2024 & 12.07.2024 passed in Cr. Misc. Nos. 36151 of 2024 and 48225 of 2024 respectively.

6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner has been remanded in this case on the basis of the confessional statement of the co-accused persons as well as of his own confessional statement in Bheempur P.S. Case No. 03 of 2024. The petitioner has three criminal antecedents and, from the impugned order, it appears that the charge has been framed against the petitioner under Sections 395 and 412 of the I.P.C.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner as also the claim for bail being based on parity, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Birpur P.S. Case No. 268 of 2023 corresponding to Sessions Case No. 128 of 2024 and 204 of 2024, subject to the following conditions;



(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

