

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79805 of 2023

Arising Out of PS. Case No.-722 Year-2023 Thana- MADHEPURA District- Madhepura

AMRESH KUMAR SON OF SUNIL KUMAR @ SUNIL YADAV R/O
VILLAGE- KHUSHRUPATTI, P.S.- MURLIGANJ, DIST.- MADHEPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Adv.

For the Opposite Party/s : Mr.Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 722 of 2023 registered for the offences punishable under Sections 392, 411 of the Indian Penal Code read with Sections 25(1-B)a, 26 and 35 of the Arms Act.

3. As per prosecution case, the police got information that miscreants after snatching cash and mobile from someone at Machbakhra Kabristan fled away towards Chandni Chowk. When the informant alongwith other police personnel reached Chandi Chowk, he saw that two motorcycles were coming. With the help of other police officials the



informant stopped the motorcycles and apprehended the petitioner and others, meanwhile, victim alongwith his family members came there and narrated the police that while he was returning home after closing the shop, miscreants snatched Rs. 30,000/- in cash and Realme mobile phone from him and fled away. The victim identified the petitioner and others. It is alleged that Rs. 3,500/- in cash and one Samsung mobile phone was recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. There is no recovery of alleged looted mobile of the victim from the possession of the petitioner and the recovered cash also has not been identified by the alleged victim. He further submits that petitioner is a daily wages earner in Punjab and Haryana. It is further submitted that on the alleged date of occurrence, he was returning from the Ambala city to his native village. Petitioner has falsely been implicated in the present case merely on suspicion. No T.I.P. has been conducted up till now. Petitioner is in custody since 13.07.2023 and petitioner bears no criminal antecedent. Seizure list has not been made as per the law. Charge sheet has been submitted in the case and there is no likelihood of tampering



with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 C.J.M., Madhepura in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 722 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or



the witnesses, in that case, the prosecution will be at liberty to
move for cancellation of bail.

(Alok Kumar Pandey, J)

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