

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82949 of 2023

Arising Out of PS. Case No.-739 Year-2022 Thana- MADHEPURA District- Madhepura

Azad Kumar Son Of Jaro Yadav @ Rajkishor Yadav R/O Village- Bhelwa,
Gadhiya, Ward No. 8, P.S.- Madhepura, Dist.- Madhepura

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-01-2024 Heard Mr.Pawan Kumar, learned counsel for the
petitioner and Mr.Mukesh Kumar Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Madhepura P.S.Case No.739 of 2022, FIR dated 03.08.2022 registered for the offences punishable under Sections 356 and 379 of IPC.

3. As per written-report of informant Kumar Gaurav, allegation is that on 27.07.2022, while the informant along with his colleague Ravi Shankar were going from Simraha to Ramnagar, three unknown miscreants masked their faces riding on a motorcycle on way overtook the informant's motorcycle and intercepted and looted away the mobile phone and money-bag containing Rs. 2450/- from both the informant and his colleague.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. Petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Amit Kumar. Further submits that except the confessional statement of the co-accused person, namely, Amit Kumar, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent, the name of the petitioner has been transpired during investigation on the basis of the confessional statement of the co-accused person, namely, Amit Kumar and petitioner is not named in the FIR, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned JMFC, Madhepura in connection with Madhepura



P.S.Case No.739 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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/her criminal antecedent, 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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