

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.836 of 2025

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

Pankaj Kumar Yadav Son of Mahendra Yadav Resident of Village - Dhau-sahi, P.S. - Phulparas , District - Madhubani. Under Guardianship of his father namely Mahendra Yadav aged about 50 years, Son of Khushilal Yadav, Resident of Village - Dhausahi, P.S. - Phulparas , District - Madhubani

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Prakash
For the Respondent/s : Mr.Syed Ashfaque Ahmad

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 24-04-2025 This is an appeal filed against the order dated 21st November 2024 in Juvenile appeal No. 25 of 2024 passed by the learned District and Additional Sessions Judge-cum-Children Judge at Madhubani arising out of Khutauna P.S. Case No. 14 of 2024 for offence under Section 394 of the IPC.

2. 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 appellant 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. It is next contended that, be that as it may, the crime in question is triable by the Magistrate. Till date, the appellant has not been put on Test Identification Parade. Save and except the suspicion, there is no material as to whether the appellant had participated in the crime or not. Co-accused persons have been accorded the privilege of regular bail by this Court in Cr. Misc. No. 62199 of 2024 vide order dated 04.09.2024, in Cr. Misc. 68306 of 2024 dated 04.10.2024 and in Cr. Misc. No. 83123 of 2024 vide order dated 20.12.2024.

5. On the other hand, learned APP for the State opposed the bail application and submits that the appellant 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 appellant is in custody since 23.03.2024. 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 appellant, 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 the learned District and Additional Sessions Judge-cum-Children Judge at Madhubani in connection with Khutauna P.S. Case No. 14 of 2024, subject to the condition that one of the bailors will be the close relatives of the appellant with further conditions which are as follow:-

(i) One of the sureties/bailors must be one of the parents or a close relative of the appellant.

(ii) The father or close relative of the appellant shall file an affidavit before the learned District and Additional Sessions Judge-cum-Children Judge at Madhubani in Juvenile Appeal no. 25/2024, giving a specific undertaking that after the release of the appellant on bail, he will take proper care of the appellant and will not allow him to fall into bad company.

(iii) The appellant shall remain present before the Court and/or the police, as the case may be, as and when required.

(iv) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(v) The court below shall verify the criminal antecedent of the appellant and in case, at any stage, it is found that the appellant has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the appellant. 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.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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