

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30575 of 2018

Arising Out of PS. Case No.-32 Year-2016 Thana- AJIMABAD District- Bhojpur

Virat Shiv Narayan Kumar @ Shiv Narayan Kumar, son of Ramugrah Rai,
Resident of Village Bidupur, Dih, P.S. Bidupur, District Vaishali

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar -1, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 12-07-2018 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

Petitioner is languishing in judicial custody since 31.03.2017 in connection with Azimabad P.S. Case No. 32 of 2016, Trial No. 1654 of 2018 registered for the offence punishable under Sections 392 and 411 of the Indian Penal Code, charge-sheet having been submitted under Section 302 and 411 of the Indian Penal Code

The prosecution case, as lodged by the informant, is that he owns a jewellery shop and in the night while coming home, he had taken some jewellery and cash of Rs. 20,000/- in his motorcycle. On the way, four miscreants in two motorcycles intercepted and snatched away the jewellery, cash and his mobile.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the FIR and has been falsely implicated only on the confessional statement of one Pappu Kumar, who has named the petitioner to be one of his associates in the alleged occurrence. He submits that nothing has been recovered from his conscious possession, as the bag was recovered by the police from co-accused Pappu Kumar and that charges have already been framed and the petitioner undertakes to cooperate in trial on day to day basis.

However, learned A.P.P. for the State opposes the prayer for bail stating that the petitioner does not have a clean antecedent and as many as four cases under similar offence are pending against him and the petitioner is a habitual offender.

Considering the facts and circumstances and the materials on record, as per perusal of the case dairy, para 13, the confessional statement of co-accused Pappu Kumar, let the petitioner, named above, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-VIII, Bhojpur at Ara in connection with Azimabad P.S. Case No. 32 of 2016, Trial No. 1654 of 2018, subject to the conditions



that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) It is also made clear that if, in future, petitioner indulges in an offence of similar nature, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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

