

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26225 of 2020**

Arising Out of PS. Case No.-22 Year-2020 Thana- KHAIRA District- Saran

BIROJ KUMAR Son of Saheb Rai Resident of Village - Chota Takeyan, P.S. -
Khaira, District - Saran, Bihar

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nagendra Rai, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 07-12-2020 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Khaira P.S. Case No. 22/2020 registered for
the offences punishable under Section 392/411 of the Indian
Penal Code.

As per the prosecution story when the informant was
returning to Chapra from his duty, while crossing 300 meters
south of Paterha Garh Devi Asthan, he was pushed from behind
and fell down of his motorcycle, the informant was beaten and
motorcycle along with Rs.5000/- cash was snatched on the gun
point by the accused persons and fled away.

Learned counsel for the petitioner submits that
petitioner has been falsely implicated in this case, petitioner is



not named in the F.I.R., his name has come on the confessional statement of one of the co-accused and further submits that petitioner has got no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted on behalf of the petitioner that the petitioner has remained in jail in connection with this case since 06.03.2020, he has no criminal antecedent and the two co-accused similarly situated namely Panalal Mahto @ Pannalal Mahto and Soharab Alam have been granted bail and it is the confessional statement of said Soharab Alam in which the name of the petitioner has transpired, there being no submission that his release at this stage is likely to result in tampering with the evidence or interfering with the course of trial, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Saran at Chapra, in connection with Khaira P.S. Case No. 22/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with



the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner.

And further condition that they will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

