

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27347 of 2020

Arising Out of PS. Case No.-189 Year-2019 Thana- KARJA District- Muzaffarpur

Prem Chand Kumar, S/o Arun Paswan, Resident of Village- Senduari, P.S.-
Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 19-10-2020 Since as of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through video conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Mr. Ashok Kumar, learned APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General. His name may also be printed in the cause list.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Karja



P.S. Case No.189 of 2019 registered for the offence punishable under Section 395 of the Indian Penal Code.

The prosecution case is that some miscreants have entered into the Customer Service Centre of the informant and looted money, mobile and other articles.

It is submitted by the petitioner's counsel that on the basis of the confessional statement of co-accused Ajit Kumar, he has been implicated in this case. Such implication based on confession of co-accused has no evidentiary value. Co-accused Ajit Kumar has been allowed bail in Cr.Misc. No.63143 of 2019. By granting bail to the co-accused, the Court has taken note of the fact that even he has not been identified by the accused, though T.I. Parade was conducted. There is no recovery of any incriminating material from the petitioner. His implication is solely on the basis of criminal antecedents and extraneous considerations. He is in custody since 04.03.2020.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, this Court is inclined to allow the petitioner's prayer for bail.

Accordingly, let the petitioner, above named, 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 Sri Hemant Kumar, Judicial Magistrate-1st Class, Muzaffarpur, in connection with Karja P.S. Case No.189 of 2019, subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

PNM

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

