

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.30531 of 2020**

Arising Out of PS. Case No.-337 Year-2019 Thana- KHARHAGPUR District- Munger

ARUN KUMAR Son of Sajan Yadav @ Sajan Banjara Resident of Village -
Nayatola, Zorabganj, P.S.- Kodha, District - Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7,Advocate

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

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

2 23-11-2020 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Dr.
Rabindra Kumar, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Kharagpur P.S. Case No. 337 of 2019
registered for the offences punishable under Sections 356,
379/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
FIR has been lodged against two unknown persons alleging that
when the informant was coming his home after withdrawing a
sum of Rs.49,000/- from the Bank, the two unknown persons
came riding on a white colour motorcycle and snatched away



the money bag from her hand.

It is submitted that in course of investigation the petitioner has been taken on remand in this case after his arrest in Tarapur P.S. Case No. 159 of 2019. The petitioner has only one criminal antecedent.

Learned counsel further submits that so far as the present case is concerned, he is in custody in connection with this case since 24.02.2020. It is also his submission that in course of investigation though the investigating officer has procured the CCTV footage of the Bank but in the said CCTV footage the petitioner does not appear. He has not been identified by putting on test identification parade and no incriminating material has been recovered from possession of the petitioner.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the submissions of learned counsel for the petitioner as noticed above and that the petitioner is in custody in connection with this case since 24.02.2020, this Court directs release of the petitioner above-named 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 Chief



Judicial Magistrate, Munger in connection with Kharagpur P.S.
Case No. 337 of 2019, 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 he will abide by and
observe the guidelines and directives of the Government of
India and the State Government with regard to COVID-19
Pandemic.

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 while submitting the bail bonds in the learned court below the petitioner shall file an affidavit specifically stating as to whether he is on bail or not in Tarapur P.S. Case No. 159 of 2019 because this fact is not stated in paragraph '3' of the present application and only on being satisfied with the same the learned court below shall issue the release order.

And further conditions that in case any of the submissions of the petitioner found incorrect, the investigating officer shall be at liberty to move an application for cancellation of bail bond of the petitioner.

The application is allowed.

(Rajeev Ranjan Prasad, J)

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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'.

