

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35080 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- IMADPUR District- Bhojpur

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BADAL KUMAR, S/o Santosh Singh, R/o village- Moapkala, P.S.- Imadpur,
District- Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra

For the Opposite Party/s : Mr.Bal Mukund Pd. Sinha

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-12-2020 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceedings.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects as pointed out by the office within three weeks of normal functioning of the court, failing which the office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the offence punishable under Section 394 of the Indian Penal Code.

The prosecution case in brief is that as per FIR, the informant is the driver of Pick Up vehicle, on 28.02.2020 the informant unloaded fish at Fathepur Piro Mufti market and was going to Dehri after taking Rs.42,000/- with him. In the way, 3-



4 persons were there on two motorcycles. As soon as the informant reached near them with his Pick Up vehicle, they got the vehicle stopped on the strength of country made “Katta” and assaulted the informant and his “Khalasi” due to which the informant and his “Khalasi” sustained injuries on their heads and blood oozed out. Aforesaid persons took out Rs. 42,000/- from the dicky of the vehicle of the informant and started fleeing. They raised ‘hulla’ but they escaped. Culprits also left one motorcycle, the Jamadar of Imadpur P.S. identified one of the culprits as Badal Kumar (petitioner).

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. There is no recovery from the conscious possession of the petitioner and his name has come in this case on the basis of identification of the local police. The petitioner was not arrested from the spot. He further submits that the local police has obtained the signature of the petitioner on the blank paper after putting pressure upon him and then seizure list has been prepared. There is no eye witness to the occurrence and the informant being a driver has himself misappropriated Rs. 42,000/- and has lodged the present FIR against innocent person. The petitioner is in custody since 16.07.2020. The



petitioner has got no criminal antecedent which is mentioned in para 3 of the bail application.

Learned APP for the State opposes the prayer for bail petition.

In the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (rupees twenty five thousand) with two sureties of the like amount each in connection with Imadpur P.S. Case No. 11/2020 to the satisfaction of the learned Judicial Magistrate-1st Class, Bhojpur, Ara, subject to the following conditions:

(1) One of the bailors will be his own blood relative, preferably, father, mother brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself



available as and when so required and in case of failure, the
State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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