

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13753 of 2021

Arising Out of PS. Case No.-23 Year-2020 Thana- TARABARI District- Araria

Ashutosh Kumar Jha @ Babu aged about 22 years, male, S/o Padma Nand
Jha R/o Village- Ramai, Ward No. 5, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-08-2021 In view of the sudden resurgence of Covid-19 infection,

there is limited functioning of the High Court and, therefore, the

matter has been listed today for consideration through virtual

mode.

Learned counsel for the petitioner is expected to honour
his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so by the office.

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

The petitioner seeks bail in Tarabari PS Case No. 23 of
2020, GR No. 1070 of 2020, instituted for the offence under
Section 392 of the Indian Penal Code.

Since 02.07.2020, the petitioner is stated to be in custody
upon his remand from Forbesganj P.S. Case No. 258 of 2020,



in which, he was earlier arrested. The First Information Report is against unknown persons alleging that the informant has been accosted while he was on way and his motorcycle, mobile phone and Rs. 1,000/- has been looted.

The learned counsel for the petitioner submits that owing to his criminal antecedents he has been dragged in this case also. There is no recovery of any incriminating material from the petitioner and he has no concern with the accused persons. The petitioner is stated to be on bail in one out of the four cases mentioned in paragraph No. 3 of the bail petition. The recovery of the alleged motorcycle is in connection with Forbesganj P.S. Case No. 258 of 2020 and not in this case.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. 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 the learned **Judicial Magistrate or his successor Court, Araria,** in



connection with **Tarabari PS Case No. 23 of 2020, GR No.1070 of 2020**, 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.

(Madhuresh Prasad, J)

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