

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16269 of 2021**

Arising Out of PS. Case No.-909 Year-2019 Thana- BIHTA District- Patna

PRAMOD NUT Son of Sri Nut Resident of Village- Shikandarpur, P.S.-
Bihta, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

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

3 22-09-2021 Heard learned counsel for the petitioner and Mr.
Umesh Lal Verma, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Bihta P.S. Case No. 909 of 2019
registered for the offences punishable under Sections 394 and
411 of the Indian Penal Code.

As per the prosecution story, when the informant was
returning after selling the rice, four persons including this
petitioner who were in the auto assaulted him and on the point
of knife looted Rs.28,500/- from him and pushed him out of the
auto and fled away. It is further alleged that the informant
chased them on motorcycle and with the help of local people the
accused persons were handed over to the police. On search of
co-accused Shahid Alam looted amount of Rs. 28,500/- has been

recovered.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the co-accused from whose possession recovery has been made have already been granted bail by learned Co-ordinate Benches of this Court. The petitioner is in custody since 02.10.2019.

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

Having perused the report of the learned trial court as placed at Flag 'A' and in view of the submission of learned counsel for the petitioner that now the charge has already been framed against him on 22.07.2021 as also that the co-accused from whose possession recoveries have been shown have been granted bail by learned Co-ordinate Benches of this Court in Cri. Misc. No. 16907 of 2020 and Cri. Misc. No. 5804 of 2020 (Annexures '3' and '4' respectively), the petitioner has remained in jail for almost two years, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate I, Danapur, District-Patna

in connection with Bihta P.S. Case No. 909 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

While parting with this order, this Court finds it necessary to direct the S.H.O. of Bihta Police Station to ensure execution of the warrant of arrest issued against the co-accused Shahid Alam who is said to have been absconding after getting bail from the learned Co-ordinate Bench of this Court and execution report with the arrest of the said co-accused be submitted before the learned trial court failing which the learned trial court may bring it to the notice of this Court.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

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

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'.