

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16501 of 2021

Arising Out of PS. Case No.-115 Year-2019 Thana- BASANHI District- Saharsa

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Maharana Kumar, Son of Bachhi Ram @ Bcchi Ram @ Bachchi Ram,
Resident of Village - Chorhli, P.S.- Beldour, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate

For the Opposite Party/s : Ms Suman Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 21-10-2021 Heard learned counsel for the petitioner and the

learned APP for the State.

The petitioner seeks bail in connection with Basnahi
P.S. Case No.115 of 2019 for the offence punishable under
Sections 394 of the Indian Penal Code.

As per the prosecution case, while the informant
was going on motorcycle to his native village and when he
reached near over-bridge, then suddenly four unknown
miscreants riding on two motorcycles came there and assaulted
the informant and snatched his motorcycle as also Rs.1900/- and
mobile phone of *Samsung* Company.

Learned counsel for the petitioner submits that the
name of the petitioner has transpired in the confessional
statement of co-accused. However, till date there is neither any



Test Identification Parade nor recovery of any incriminating material from the possession of the petitioner. Save and except the confessional statement of the petitioner before the police, there is no other material to connect him in the present case. He is in custody since 30.06.2020. Investigation against the petitioner is complete, but the trial is not likely to take place in near future. It is further submitted that the motorcycle in question has been recovered in Bakhri P.S. Case No.374 of 2019 in which the petitioner is not an accused. As per the disclosure made in paragraph 3 of the petition, the petitioner is involved in three other criminal cases, out of which he is on bail in two cases. Similarly situated co-accused Rohit Yadav has been allowed bail in Cr.Misc. No.18636 of 2021, vide order dated 02.08.2021.

Learned APP for 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.25,000/- (Twenty Five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Saharsa, in connection with Basnahi P.S. Case No.115 of 2019, subject to the conditions 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 the court below shall verify the criminal antecedents of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedents, the court below shall take steps 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 the purpose of or in the name of



verification.

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)

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