

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17925 of 2021**

Arising Out of PS. Case No.-332 Year-2020 Thana- BABUBARHI District- Madhubani

SUDHIR RAM @ SUDHIR KUMAR RAM S/o Dinesh Ram R/o village-
Donwari, P.S.- Babubarhi, Distt.- Madhubani

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP

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

2 02-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Rita Verma, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Babubarhi P.S. Case No. 332 of 2020 registered for the offences punishable under Sections 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 19.11.2020 when the informant was returning home from his shop on his motorcycle having 1,80,000/- Rupees in a bag with him, on way one unknown boy gave a blow by a piece of bamboo resulting he fell down then the said boy fled away with his bag containing the money.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that name of the petitioner has transpired in the confessional statement of co-accused and he is in custody since 23.11.2020 having no criminal antecedent.

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

Having regard to the facts and circumstances of the case wherein the name of this petitioner is said to have transpired in the confessional statement of the co-accused, submission is that nothing has been recovered from the possession of this petitioner, he has not been put on Test Identification Parade till date, he has otherwise no criminal antecedent, he has remained in jail in connection with this case since 23.11.2020, investigation against him is complete but the trial is not likely to be concluded in near future, in these circumstances 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 A.C.J.M.-III, Madhubani in connection with Babubarhi P.S. Case No. 332 of 2020, 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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 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.

The application stands 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'.

