

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.21001 of 2021**

Arising Out of PS. Case No.-175 Year-2019 Thana- ABADPUR District- Katihar

Sandeep Das, Son of Satyendranath Das, Resident of Village- Mathurapur,
P.S.- Abadpur, District- Katihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bhola Prasad, Advocate
For the Opposite Party/s : Ms. Asha Devi, A.P.P.

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

2 03-08-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Asha Devi, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Abadpur P.S. Case No. 175 of 2019 registered for the offence punishable under Section 392 of the Indian Penal Code.

The prosecution case in brief is that the informant runs a C.S.P. Bank at Sikarpur Centre under Allhabad Bank Branch Guwal Toli and on 10.12.2019 in the morning he went to C.S.P. Centre, Sikarpur on his motorcycle with Rs. 3,17,000/-,

A.T.M. Swipe Machine and Laptop with Mouse in two bags. The miscreants chased him by their motorcycle and stopped him in the way at Puriya Bridge and they asked about both the bags and also threatened to kill him. In the meanwhile, one another miscreant came there by black colour motorcycle who snatched the bag and mobile of the informant and also snatched money from his pocket with Pan Card and Aadhar Card. Thereafter, they locked the motorcycle of the informant and took away the key and fled away towards village- Puriya.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that no incriminating article has been recovered from possession of the petitioner. Petitioner is in custody since 02.11.2020.

Ms. Asha Devi, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein learned A.P.P. for the State is unable to controvert the submission of learned counsel for the petitioner that the petitioner has been named on mere suspicion, no incriminating article has been recovered from possession of the petitioner and till date he has not identified in connection with the said case,

in the only case stated in paragraph '3', he is said to be on bail, in the present case he is in jail since 02.11.2020, investigation against him is complete but the trial is not likely to take place in near future, in the circumstance, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar in connection with Abadpur P.S. Case No. 175 of 2019, subject to the condition 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 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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’.