

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29584 of 2021**

Arising Out of PS. Case No.-570 Year-2019 Thana- SHERGHATI District- Gaya

BITTU @ AVINASH KUMAR S/O WAKIL SHARMA @ VAK THIL
MISTRI R/O VILLAGE-MANJARI, POLICE STATION-DOBHI,
DISTRICT-GAYA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 24-11-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in connection with Sherghati (Dobhi) P.S. Case No. 570 of 2019 registered for the offences punishable under Section 392 of the I.P.C. and 27 of the Arms Act.

The prosecution case in brief is that the Manager of Petrol Pump used to deposit the sale amount of the pump and on 02.12.2019 he along with Nozzle man was going to deposit Rs. 8,10,000/- in the bank on motorcycle. Meanwhile, three



unknown miscreants came there and started assaulting them from butt of the pistol. During course of said occurrence, bag containing cash torn and cash scattered on the road. The accused persons took away most part of the cash and remaining amount of Rs. 60,600/- was subsequently, handed over to the owner of petrol pump.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Petitioner is not named in the FIR. No incriminating article has been recovered from possession of the petitioner. Name of the petitioner came in this case on the basis of suspicion. Petitioner is in custody since 20.12.2019. Learned counsel further submits that co-accused Kapil Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 28.02.2020 passed in Cr. Misc. No. 11867 of 2020. Similarly, co-accused Vikrant @ Vikrant Kumar @ Boula has been granted bail by a co-ordinate Bench of this court vide order dated 02.02.2021 passed in Cr. Misc. No. 37404 of 2020. Petitioner has got three criminal antecedent.

The learned Additional Public Prosecutor opposed the prayer of bail.



Considering the aforesaid facts and circumstances as well as submissions of the parties, 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 Additional Chief Judicial Magistrate, Sherghati, Gaya in connection with Sherghati (Dobhi) P.S. Case No. 570 of 2019, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

shahzad/-

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

