

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30528 of 2020

Arising Out of PS. Case No.-13 Year-2019 Thana- PIRO District- Bhojpur

BRAJESH KUMAR @ FUNNU KUMAR Son of Baleshwar Singh Resident
of Village - Rajmaldih, P.S. - Sikrhta, Dist. - Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh

For the Opposite Party/s : Mr. Pradip Narayan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

6 11-01-2021 Heard learned counsel for the petitioner and Mr. Pradip
Narayan Kumar, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Piro P.S. Case No. 13 of 2019 registered for the offences punishable under Sections 392 and 120(b) of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the allegations while the informant was on way, his motorcycle and two mobiles have been looted away by unknown two persons.

Learned counsel submits that the petitioner's name has come in the confessional statement of co-accused Rakesh Kumar @ Chhotu and Rahul Kumar and co-accused Rakesh Kumar @ Chhotu has already been enlarged on bail in Cr. Misc. No. 5833 of 2020. It is further submitted that the petitioner has not been identified by any witness and no incriminating article has been recovered from his possession. It is also submitted that other co-accused persons



similarly situated to this petitioner have been enlarged on bail. The petitioner is in custody since 20.02.2020 and investigation against him is complete.

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 name of this petitioner is said to have transpired in the statement of apprehended co-accused Rakesh Kumar @ Chhotu and Rahul Kumar but it is stated that they have already been granted bail and further that except this petitioner all other accused have been released on bail in similar circumstances as they had also got some criminal antecedents, this petitioner has not been identified by any witnesses and no incriminating material has been recovered from his possession and petitioner has remained in custody in this case since 20.02.2020, investigation against him is complete and at this stage trial is not likely to be concluded in near future, let the petitioner above named be released on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bhojpur at Ara in connection with Piro P.S. Case No. 13 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 henceforth the petitioner will report to the officer in-charge of Sikarhatta Police Station every month once and in case he is required to go outside the jurisdiction of the Police Station for more than one month, he will provide his place of stay and mobile number to the officer in-charge of Sikarhatta Police Station. In case of failure of the petitioner to report the Police Station, the officer-in-charge of Police Station shall inform this fact to the learned court below and the learned court below will take steps for cancellation of bail bond of the petitioner and further that the petitioner shall co-operate in course of trial by appearing on each and every date fixed in the trial and two consecutive defaults in putting appearance before the learned trial court, the trial court shall take steps for cancellation of bail bond of the petitioner.

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 her 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.

And further condition that he will abide by and observe the guidelines and directives of the Government of India and the State Government with regard to COVID-19 Pandemic.

(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'.

