

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45058 of 2021

Arising Out of PS. Case No.-247 Year-2020 Thana- SHASTRINAGAR District- Patna

DURGESH KUMAR S/O RAM BABU PRASAD R/o Mohalla- Rama Lane,
South Shivpuri, P.S.- Shashtri Nagar, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Bijendra Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 15-12-2021 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 Shashtri Nagar P.S. Case No. 247 of 2020 registered for the offence punishable under Section 394 of the IPC.

According to prosecution case, two unknown persons boarded on a motorcycle during course of snatching stabbed the informant and took away his belongings.

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. Learned counsel further submits that in fact, the FIR has been registered against unknown persons. He further submits that it appears from the FIR itself that alleged occurrence took place on 10.04.2020 and the present FIR has been lodged on 31.05.2020. He further submits that till date petitioner has not been put on TIP. Charge sheet has been submitted against the petitioner on 31.03.2021 under Section 394 of the IPC. Petitioner is in custody since 14.03.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

Considering the aforesaid facts and circumstances as well as period of custody, 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-IV, Patna in connection with Shashtri Nagar P.S. Case No. 247 of 2020, 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)

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