

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46591 of 2021

Arising Out of PS. Case No.-414 Year-2019 Thana- RAXAUL District- East Champaran

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MUNNA PATEL Son of Suresh Patel Resident of Village - Nayak Tola, P.S.-
Harpur O.P. (Adampur), Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.
For the Opposite Party/s : Mr. A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2021 Let the defects, as pointed out by the office, be

removed within four weeks of starting of Court proceeding

in physical mode in normal course.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Raxaul
P.S. Case No. 414 of 2019/G.R. No. 1596 of 2019 registered
for the offence under Sections 394 of the Indian Penal Code.

Unknown miscreants are said to have snatched
50,000 Nepali currency and a cash of Rs.10,000/- from the
pocket of the informant.

Learned counsel appearing for the petitioner
submits that the petitioner is innocent and has falsely been
implicated in this case. In fact, the petitioner has not been



named in the F.I.R. rather the entire F.I.R. is against unknown persons. Mere on confessional statement of the co-accused, Guddu Patel @ Prem Kumar Patel, made before the police, which has no evidentiary value in the eye of law, this petitioner has been made accused in this case. Neither anything has been recovered from the conscious possession of the petitioner nor he has been put on T.I.P. as yet. Moreover, the co-accused, namely, Guddu Patel @ Prem Kumar Patel has already been granted bail by a co-ordinate Bench of this Court vide order dated 16.11.2021 passed in Cr. Misc. No. 22995 of 2021. The petitioner is rotting in judicial custody since 17.03.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner is having a series of criminal antecedent as he has been made accused in six more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Raxaul P.S. Case No. 414 of 2019/G.R. No.



1596 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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