

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM THE RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.348 of 2021**

Arising Out of PS. Case No.-279 Year-2019 Thana- MUFFASIL District- Aurangabad

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ASHOK SAO @ ASOK SHAV S/o Shiv Pujan Sav Resident of Dehri Station
Road Kuli Quarter Dalmiya Nagar, P.S.- Dalmiya Nagar, District- Rohtas,
Bihar

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-04-2021 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 Mr.

Narsingh Tanti, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Aurangabad Muffasil P.S. Case No. 279 of

2019 registered for the offences punishable under Section 394 of

the Indian Penal Code.

Learned counsel for the petitioner submits that as per

prosecution story while the informant was on way he was

intercepted by three miscreants riding on one motorcycle and

they snatched the motorcycle of the informant and his mobile.



Learned counsel submits that the petitioner is innocent and has falsely been implicated in this case. The petitioner has not been identified during investigation and he is in custody since 28.05.2020.

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 the name of the petitioner is said to have been brought in this case on the basis of confessional statement of the co-accused, however, there is no recovery from his possession and he has not been identified so far, the submission being that the petitioner has been involved in two other cases by taking him on remand and in connection with the present case he has remained in custody for almost 10 months, the investigation against him is complete, 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 Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 279 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)

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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'.

