

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1115 of 2021

Arising Out of PS. Case No.-291 Year-2019 Thana- KORHA District- Katihar

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Ajay Das @ Ajay Kumar Das S/o Shiv Narayan Das @ Shivanath Das R/o
village- Korha, P.S.- Korha, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh
For the Opposite Party/s : Mr. Addl. Public Prosecutor

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 02-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Korha P.S. Case No.
291 of 2019 registered for the offence under Sections 392,
411/34 of the Indian Penal Code.

As per the prosecution case, on 26.07.2019 at about
7:00 PM, while the informant was returning home on
motorcycle with a bag containing cash of Rs. 11,40,000/-
(Eleven lacs & forty thousand only), some miscreants
intercepted and assaulted him by iron rod and thereafter, they
snatched the cash bag from him and started fleeing away.
However; on seeing the police party, the miscreants threw the
bag containing cash and thereafter, the informant got back his
money.

It is submitted on behalf of petitioner that name of



petitioner has been transpired during course of investigation. No incriminating article has been recovered from possession of petitioner. Petitioner has been made accused in this case only on the basis of C.D.R., by which, location of mobile phone of petitioner was found near the place of occurrence on the alleged date and time. It is further submitted that one similarly situated co-accused namely Chhote Lal Kumar has been granted anticipatory bail by this Court, vide order dated 17.09.2020 passed in Cr.Misc. No. 4059 of 2020 (Annexure-2/A). Petitioner is in custody since 10.10.2020. Chargesheet has been submitted.

Considering the aforesaid facts and circumstances as well as nature of accusation, the bail application of petitioner is allowed. 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, Katihar in connection with Korha P.S. Case No. 291 of 2019 on the following conditions:

“(1) Petitioner shall cooperate 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.”

(Prabhat Kumar Singh, J.)

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