

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5565 of 2021**

Arising Out of PS. Case No.-86 Year-2018 Thana- SURYAGARHA District- Lakhisarai

MUKESH KUMAR Son of Bablu Tanti Resident of Village-Slatar House
Champa Nagar, P.S.-Nath Nagar, District-Bhagalpur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Ms. Gulnar Begum, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 15-04-2021 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 learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Surgarha P.S. Case No. 86 of 2018 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution story while the informant was on way in the night of 27.05.2018, he was intercepted by a Scorpio vehicle and four persons boarded on the said vehicle looted away his Bolero vehicle on the point of pistol.

Learned counsel for the petitioner submits that



petitioner has been falsely implicated in this case on mere suspicion.

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 and the submissions of learned counsel for the petitioner that he is not named in the F.I.R. and has been falsely implicated in this case on mere suspicion, he has not been put on T.I. Parade and no incriminating material has been recovered from his conscious possession, moreover he is in custody in the present case after taking him on remand from Mednichowki P.S. Case No. 44/2019 registered for the offence under Section 392 I.P.C. since 27.07.2019, in the Mednichowki Police Station Case No. 44/2019 petitioner is on bail, considering the aforesaid materials and that the petitioner has remained in jail for one year nine months in connection with the present case, this Court directs release of the petitioner 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, Lakhisarai, in connection with Surjgarha P.S. Case No. 86 of 2018, 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)

Rajeev/-

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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'.

