

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3282 of 2022

Arising Out of PS. Case No.-692 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Prabhakar Kumar S/O Maheshwar Yadav Resident Of Village - Bokhra, P.S. -
Nanpur, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Opposite Party/s : Mr. Bharat Bhushan

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Ahiyapur P.S. Case No. 692 of 2020, registered for the offences punishable under Section 395 of IPC. The investigation is completed and the Chargesheet bearing C.S. No. 680 of 2021 dated 30.09.2021, offences under Sections 395 and 412 of IPC has been submitted against the petitioner in the present case.

The prosecution case as emerging from the FIR is that when the informant was going on motorcycle to Bettiah for making payment to the labourers of the FCI godown, on



the way, 06 miscreants riding on 03 motorcycles looted a cash of Rs 26,45,000/- (twenty six lakh and forty five thousand) on gun point, which was kept in the dickey of motorcycle and fled away.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR. There is no recovery from the conscious possession of the petitioner. Even, TIP has not been conducted till date. He further submits that the name of the petitioner has transpired only on the basis of confessional statement of a co-accused.

The petitioner has been languishing in jail since 13.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been no criminal antecedent.

However, the Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Learned Court of 1st Additional District and Sessions Judge, Muzaffarpur in connection with Ahiyapur P.S. Case No. 692 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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