

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3648 of 2022

Arising Out of PS. Case No.-198 Year-2020 Thana- TELHARA District- Nalanda

Kundan Kumar Son of Nagendra Ravidas Resident of Village- Mosmiganj,
P.S.- Ekangarsarai, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kishor, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-05-2022 Heard learned counsel for the petitioner and learned
APP for the State in virtual court proceeding.

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.

Petitioner seeks bail in a case registered for the offences punishable under Sections 414, 467, 468, 471/34 of the Indian Penal Code.

As per prosecution case, in brief, is that on 21.11.2020 at 17:30 O'clock the informant Sandeep Kumar, an S.H.O. Telhara Police Station along with Arms Forces were on Sandhaya Gasti and vehicle checking and in course of checking on Telhara Tad, two persons were coming on motorcycle saw the police party tried to escape which was caught with the help



of force, who disclosed their names as Kundan Kumar and Mantu Kumar. The accused persons were using motorcycle changing the registration no of the motorcycle and one mobile was also recovered from his possession.

Learned counsel for the petitioner submits that the petitioner has clean antecedents and he has been falsely implicated in the present case only on the basis of suspicion. He further submits nothing has been recovered from the possession of the petitioner and till date no test identification parade has been conducted by the prosecution. Similarly situated co-accused persons namely Mantu Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 05.01.2022 in Cr. Misc. No. 41030 of 2021. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 22.11.2020.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with



Telhara P.S. Case No. 198 of 2020, 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 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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