

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6645 of 2022

Arising Out of PS. Case No.-235 Year-2021 Thana- BIRPUR District- Supaul

=====

Anand Kumar Son of Ashok Yadav @ Ashok Kumar Bhuskulia Resident of
Village- Birpur, Ward No. 2 (MARVEITTA Tola), Basantpur, P.S.- Birpur,
District- Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pranav Kumar, Adv.
: Mr.Shrishti Singh, Adv.
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 16-08-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Birpur
P.S. Case No. 235/2021 registered for the offences punishable
under Section 394 of the Indian Penal Code.

As per prosecution case, there is allegation against the
petitioner to snatch the mobile phone as well as Rs.250/- from
the informant on point of pistol.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The FIR lodged against unknown and during course of



investigation the name of petitioner transpired in this case. He further submits that the name of present petitioner surfaced on his confessional statement in Birpur P.S. Case No. 236/2021 dated 25.07.2021 under Section 414 of the I.P.C. and with 25 (1-b) read with 26 of the Arms Act which has been extracted through duress and coercion. The petitioner is languishing in custody since 25.07.2021 and bears criminal antecedent of one case. He further submits that two cases have been registered for the same occurrence. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that on his confessional statement of present petitioner looted mobile as well as Rs.250/- was recovered.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **if trial is preferably not concluded within six months from the date of receipt of the order** on furnishing



bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Birpur P.S. Case No. 235/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

amitkumar/-

U		T	
---	--	---	--

