

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9873 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- DINARA District- Rohtas

MUNNA KUMAR son of Late Jokhan Ram Resident of Village- Amaithi,
P.S. - Sanjhauli, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay, Adv.
For the Opposite Party/s : Mrs. Pronoti Singh, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-07-2022 Learned counsel for the petitioner is permitted to correct in paragraph nos. 1 and 3 of the bail petition in course of the day.

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 Dinara P.S. Case No. 157/2021 registered for the offences punishable under Section 392 of the Indian Penal Code and later on charge sheet was submitted under Section 395/412 of the I.P.C.

As per prosecution case, on 21.08.2021, the informant was returning to his house from Barh on motorcycle when he was near Nahar road two persons on one while Apache



motorcycle came there from behind and in the meantime, the informant saw two persons on one black Apache motorcycle also coming there from the front and all of them surrounded him and thereafter, the accused persons snatched Adhar Card, Voter ID Card, HDFC Bank and ICICI Bank ATM Cards, one plus mobile and fled away by taking his motorcycle to Dinara side and they also took the bag of the informant in which there were some documents.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR, FIR against unknown and during course of investigation his name has transpired on the confessional statement of co-accused, Abhimanu Kumar. He further submits that the alleged motorcycle was recovered from the house of present petitioner. Charge sheet has been submitted against the petitioner and others under Sections 395, 412 of the I.P.C. Seizure list has not been made as per law. The petitioner is languishing in custody since 05.09.2021 and bears criminal antecedent of one case of similar nature.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that on the basis



of confessional statement of co-accused, Abhimanu Kumar, the stolen motorcycle was recovered from the house of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted under Sections 395, 412 of the I.P.C. 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 nine months from the date of receipt of the order** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Bikramganj, Rohtas in connection with Dinara P.S. Case No.157/2021, 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 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)

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