

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10428 of 2022

Arising Out of PS. Case No.-92 Year-2021 Thana- MOKAMAH District- Patna

Mukesh Kumar S/o Paro Bind @ Parmanand Bind @ Paro Mahto R/o village-
Barakpur, Bind Toli, P.S.- Mokama, District- Patna

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 392 of the Indian Penal
Code.

According to prosecution case, the informant namely,
Avinash Kumar stating therein that on 27.03.2021 he was going
to Patna from Bhagalpur by his motorcycle. In the meantime, he
reached near Mokama Bye Pass, three culprits boarded on
motorcycle overtaken him. One of them, point out pistol upon
him. They looted his two mobiles and motorcycle.

Learned counsel for the petitioner submits that
petitioner is innocent and petitioner is not named in the F.I.R.,



he has falsely been implicated in the present case only on the basis of suspicion. He further submits that the name of the petitioner has been transpired on the basis of confessional statement of co-accused Mithlesh Bind. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been concluded by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Mithlesh Kumar @ Mithlesh Bind has been granted bail by a co-ordinate Bench of this Court vide order dated 22.06.2022 passed in Cr. Misc. No. 8247 of 2022. The petitioner is in custody since 29.10.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

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



P.S. Case No. 92 of 2021, subject to 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 witnesses, 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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