

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11785 of 2022**

Arising Out of PS. Case No.-471 Year-2021 Thana- BIHAR District- Nalanda

=====

MOHIT KUMAR Son of Sri Surendra Prasad Yadav @ Surendra Prasad
Resident of Village - Katrapar, P.S. - Bihar, District - Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Adv.

For the Opposite Party/s : Mr. Nirmala Kumari, APP

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 16-06-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 413, 44 and 34 of the Indian Penal Code
and Section 25(1-b)a, 26 and 35 of the Arms Act.

The prosecution case in brief is that the informant
along with his cousin having bag in their hand containing Rs.
2,00,000/- and Rs. 3,75,000/- on toto reached near Kabristanpur
then he saw a white motorcycle sitting two boys who was
following them. When he reached near Imadpur boring another
motorcycle black colour was standing in which two another
persons were sitting. All four persons surrounded them and on
the point of pistol snatched both bags from them and fled away
towards Mughal Kuan.



Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that name of this petitioner has been surfaced in this case on the basis of confessional statement of the co-accused, Md. Asif Ali @ Ashu. He further submits that nothing incriminating as alleged in the F.I.R. has been recovered from the conscious possession of the petitioner. Save and except the confession of the co-accused, no cogent material has come during course of investigation against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. He further submits that the co-accused, namely, Md. Asif Ali @ Asif @ Aathu Bhai @ Aashu Bhai has already been granted bail by this Court vide order dated 15.04.2022 passed in Cr. Misc. No. 64937 of 2021. The petitioner is rotting in judicial custody since 28.08.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Court below where the case is pending in connection with Bihar P.S. Case No. 471 of 2021 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

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

