

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15329 of 2022**

Arising Out of PS. Case No.-187 Year-2021 Thana- BIHARIGANJ District- Madhepura

RAMU @ RAMEKBAL KUMAR @ RAMAKABAL KUMAR @ RAMVAL
SHARMA S/o Sri Rajkishore Sharma R/o Village - Sonbarsha, P.S. -
Udakishunganj, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar

For the Opposite Party/s : Mr.Mukesh Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 14-09-2022 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
Bihariganj P.S. Case No. 187 of 2021 registered for the offences
punishable under Section 392 of Indian Penal Code.

As per prosecution case, informant unloaded the oil
at the grocery shop of Shankar Kumar and got Rs. 06,09,500/- in
lieu of that and then proceeded to Murliganj. When informant
reached near the bridge situated between Sarauni and Balwa, some
criminals forcibly stopped his pickup van and then four accused
persons upon gun point started searching for money in his pickup
van and took Rs. 06,09,500/- and fled away towards Gwalpara.



Learned counsel for the petitioner submits that petitioner is in custody since 30.11.2021. Petitioner bears four criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that petitioner is not named in the F.I.R. F.I.R. is against unknown. After perusal of impugned order, it indicates that the name of present petitioner has been transpired on the basis of his own confessional statement as mentioned in Para 19 of the case diary. No T.I.P. was conducted as yet by the police. Learned counsel further submits that the seizure list was made on 29.08.2021 at 09:45 O'clock and on the same date the confession was recorded at 09:55 O'clock. From the perusal of confession as well as seizure list, it indicates that the seizure was made prior to the confession. From perusal of the impugned order, it also appears that some of the looted money was also recovered from the petitioner's house at his own instance but those money was petitioner's own money.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties



and also taking into consideration the material available on record, 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 S.D.J.M., Udakishunganj, District Madhepura in connection with Bihariganj P.S. Case No. 187 of 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)

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