

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16679 of 2022

Arising Out of PS. Case No.-208 Year-2020 Thana- BACHHWARA District- Begusarai

Shankar Kunwar Son of Jay Kant Kunwar Resident of Village-Bharaul, P.S.-
Bachchwara, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-08-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 393 of the Indian Penal Code.

According to the prosecution case, in brief, is that on 07.10.2020 at about 3:40 PM the informant Jitendra Kumar was returning home from Begusarai by his motorcycle, as soon as he reached near Chiranjivipur N.H. 28, three unknown persons chased his motorcycle and tried their best level for snatching his motorcycle. He started crying loudly, to hear his alarm nearby villagers came towards the unknown persons and during this



very period patrolling party came and caught one accused person who disclosed his name Bidhan Kumar Ray. Police searched him and from his possession arms was recovered. He disclosed the name of person who succeeded in fleeing away as Shankar Kunwar and Bhagina of Shankar Kunwar who were associating him and all were armed with weapons.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the basis of disclosure made by co-accused namely Bidhan Kumar Ray. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution and the petitioner was remanded in the present case from Teghra P.S. Case No. 385 of 2020 on 10.09.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with



Bachchwara P.S. Case No. 208 of 2020, 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 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 witness, 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 antecedents, 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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