

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17482 of 2022

Arising Out of PS. Case No.-7 Year-2016 Thana- RAJIVNAGAR District- Patna

Abhishek Kumar @ Chhotu Son of Mithesh Singh Resident of Village -
Ram Nagar Diyara, P.S. - Bakhtiyarpur, District - Patna, At present residing at
Ramji Chak Mushhari Gali, West Yadav Gali, House No. 412, P.S. - Digha,
District - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Kumar Pathak, Advocate.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the

learned APP for the State.

Petitioner seeks regular bail in connection with Rajiv
Nagar P.S. case no. 07 of 2016 registered for the offence
punishable under Section 392 of the Indian Penal Code.

Allegedly two mobile phones of the informant and
other person were snatched away by unknown persons and later
on petitioner's role was found in the alleged crime.

The main submissions advanced by learned counsel
for the petitioner are that petitioner is not named in the FIR,



during the course of investigation after his arrest any incriminating material or looted mobile phone was not recovered from his possession and he was not put to test identification parade and he was simply dragged in this case on the basis of statement of co-accused Rahul who has been granted bail by the lower court and the investigation has been completed in respect of petitioner and except the statement of co-accused showing the implicity of petitioner in the alleged crime there is no other material to connect the petitioner to the alleged crime. Further submission is that there is criminal antecedent of three cases against the petitioner in which he is on bail and mainly relying upon the statement given before the police, the petitioner has been dragged in all the said cases which has become a popular practice of the police in respect of the offences of loot and theft.

Learned APP has opposed the prayer for bail.

Having regard to the facts and circumstances of the case and considering the above submissions and mainly the petitioner's plea that the prosecution is mainly relying upon confessional statement of co-accused recorded by police in respect of the involvement of petitioner in the alleged crime and the investigation has been completed and also considering the



fact that during course of investigation the petitioner was not put to test identification parade, accordingly in the light of these facts a lenient approach can be taken in respect of the petitioner's prayer, let the 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 concerned Court in connection with Rajiv Nagar P.S. case No. 07 of 2021 on 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 below and shall remain physically present as whenever directed by the Court below 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 tempers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said



criminal antecedent. If any criminal antecedent other than three cases mentioned in the petition, of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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