

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17558 of 2022

Arising Out of PS. Case No.-652 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SURAJ PATHAK @ DEVA @ TIGAR S/o Arun Pathak R/o village- Ulao,
P.S.- Muffasil, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 30-09-2022 Heard learned counsel for the petitioner and the learned
APP for the State through virtual mode in view of COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection with
Begusarai Muffasil P.S. Case No.652 of 2021 instituted under
Section 392, 397 of the IPC and under Section 27 of the Arms Act.

As per the FIR, the informant gave a written application
on 30.12.2021 alleging that his daughter was sitting on his shop
counter and at the same time suddenly three unknown criminals came
on motorcycle. Two of them entered into the shop and one was
standing outside by starting motorcycle. Both the criminals on point
of pistol snatched Rs.50,000/- rupees which was kept in bag from his
daughter. Thereafter, they took out of Rs.10,000/- from his cash chest
and fled away with firing in the air. Accordingly, the FIR was lodged.

In this matter, case diary was called for on 22.07.2022,



which has since been received.

Learned counsel for the petitioner submits that although he has been arrested on 13.01.2022, neither T.I. Parade has been conducted nor anything has been recovered from his conscious possession. It is his further submission that he do not have any criminal antecedent.

Considering the aforesaid submission of the learned counsel for the petitioner coupled with the fact that he is in custody since 13.01.2022, charge-sheet stands submitted and he do not carry criminal antecedent, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent, this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Begusarai Muffasil P.S. Case No.652 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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