

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19411 of 2022**

Arising Out of PS. Case No.-281 Year-2020 Thana- KARJA District- Muzaffarpur

WOKIL KUMAR S/o Pramod Sahani R/o village- Kamalpura, P.S.- Paru,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raju Kumar

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

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

2 07-06-2022 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 regular bail in connection with
Karja P.S. Case No. 281 of 2020 registered for the offence
punishable under Section 392 of the Indian Penal Code.

The prosecution case in short is that on 13.11.2020 at
about 23.00 PM when the informant and his brother were going
to their house on a motorcycle with purchased clothes and as
soon as they reached near Marwan Chowk one KWID Car came
from behind the motorcycle and the informant stopped his
motorcycle. Four persons came out from the said car and
pointed pistol upon the informant and snatched clothes and kept



them in the dickey of the car and went toward the Kanti Road. The informant informed the Karja police station on mobile giving registration number of the said car and also gave physical features of the aforesaid four criminals whose faces were opened and claimed to identify on seeing them. Among four criminals petitioner is one of them.

Learned counsel for the petitioner submits that petitioner is not named in the FIR and he has been falsely implicated in the present case. He further submits that petitioner was arrested in Kanti P.S. Case No. 668 of 2020 and he was remanded in this case on 21.12.2020. No incriminating article has been recovered from possession of the petitioner as alleged in the FIR. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering the evidence. Petitioner is in custody since 21.12.2020. Petitioner carries criminal antecedent of two cases. He further submits that co-accused Rahul Kumar has been granted bail by the co-ordinate Bench of this court vide Cr. Misc. No. 34006 of 2021 and the case of the petitioner stands on lesser footing. He further submits that petitioner has not been put on TIP as yet.

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 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 Additional Chief Judicial Magistrate,-V, Muzaffarpur in connection with Karja P.S. Case No. 281 of 2020, subject to following conditions:-

(i) One of the bailor shall be either father or mother or sister or brother or wife or the person who 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 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.

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 steps 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.

(Alok Kumar Pandey, J)

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