

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19832 of 2022

Arising Out of PS. Case No.-147 Year-2021 Thana- DINARA District- Rohtas

Munna Kumar Son of Late Jokhan Ram Resident Of Village - Amaithi, P.S.-
Sanjhauli, Distt.- Rohtas.

... .. Petitioner/S

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2022 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 Dinara
(Bhanas) P.S. Case No. 147 of 2021 registered for the offences
punishable under Section 392 of the Indian Penal Code.

As per prosecution case, the informant along with
his brother-in-law was coming to his village by motorcycle and
when they reached at Chausa canal line then four miscreants by
two motorcycles overtook them and stopped the informant's
motorcycle and on the gun point assaulted them and snatched
the motorcycle of the informant and thereafter all the miscreants
fled away. The informant has claimed that all the miscreants
were about 20-25 years of age. Hence, the FIR has been



registered against unknown.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. FIR has been registered against unknown. Name of the petitioner has been transpired in this case during course of investigation on the basis of his own confessional statement recorded in Dinara P.S. Case No. 157 of 2021 and on his confessional statement, police went to the house of co-accused Anup Kumar where police recovered the stolen motorcycle of the present case. Petitioner has been remanded in this case from Dinara (Bhanas) P.S. Case No. 157 of 2021 under Section 392 of the IPC on 08.10.2021 and since then he is languishing in jail custody. Petitioner bears criminal antecedent of one case of similar nature. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from conscious possession of the petitioner. No TIP has been conducted till today. Except the confessional statement, there is nothing against the petitioner.

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, period of custody, charge sheet has been submitted in the



case and there is no likelihood of tampering with the prosecution evidence 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-III, Bikramganj, Rohtas in connection with Dinara (Bhanas) P.S. Case No. 147 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 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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