

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20612 of 2022**

Arising Out of PS. Case No.-16 Year-2021 Thana- GRIYAK District- Nalanda

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Ratan Kumar Son Of Gaya Yadav R/O- Village-Bhualchak, P.S.- Warisaliganj,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Adv

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 20-04-2022 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.

Learned counsel for the petitioner submits that earlier the petitioner has been granted bail by order dated 23.11.2021 passed in Cr. Misc. No. 29465 of 2021 with one of the conditions 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 learned court below shall take step for cancellation of bail bond of the petitioner*”. He further submits that in fact the petitioner has got one another criminal antecedent i.e. Warisaliganj



P.S.Case No.281 of 2020 under Sections 379 and 411 of IPC. Due to this reason, the court below has not accepted the bail bond of the petitioner and thereafter the petitioner has filed a modification application i.e. Cr. Misc. No.2475 of 2022. The same was dismissed on 02.02.2022. Thereafter, the petitioner has filed the present bail petition.

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

The petitioner along with three others are said to have assaulted the driver and khalasi of the informant for the purpose of robbery.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner has been arrested in this case only on the basis of suspicion. He further submits that nothing has been recovered from conscious possession of the petitioner and the police has arrested the petitioner merely on the basis of suspicion. Learned counsel for the petitioner submits that the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody in this case since 12.01.2021 to 25.11.2021 and again after surrender on 07.12.2021 he is in judicial custody.



Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case 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/- (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 Giriyak Police Station Case No.16 of 2021, 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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 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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