

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23618 of 2022**

Arising Out of PS. Case No.-1240 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

BITTU KUMAR @ BITTU SAHANI SON OF GARIB NATH SAHANI
R/O- VILLAGE- JHAPAHAN @ JHAPAHAN DIH, P.S.- AHIYAPUR,
DIST- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar
For the Opposite Party/s : Ms.Dr. Indihar Kumari

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

2 22-08-2022 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 Ahiyapur
P.S. Case No. 1240/2019 registered for the offences punishable
under Section 392 of the Indian Penal Code.

As per prosecution case, the informant was intercepted by three unknown miscreants while he was going on a motorcycle alongwith his friend and the miscreants snatched the mobile phone of the informant and fled away from the place of occurrence.



Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and during course of investigation, on the basis of confessional statement of co-accused, Nawal Kumar, the name of petitioner has been surfaced in this case. No any incriminating article has been recovered from the conscious possession or the house of the petitioner. Learned counsel for the petitioner further submits that the petitioner has not been put on T.I. Parade. The petitioner is languishing in custody since 15.03.2021 and bears criminal antecedent of 07 cases more or less of similar nature. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Nawal Kumar has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.23048/2020 and the case of present petitioner stands on more or less on similar footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, similarly situated co-accused has already been granted bail, charge sheet has already been submitted and also taking into consideration the material available on record,



let the petitioner above named be released on bail **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Muzaffarpur in connection with Ahiyapur P.S. Case No. 1240/2019, 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 without appropriate permission, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not live the territorial jurisdiction



of the concerned trial court without appropriate permission of
the court concerned.

(Alok Kumar Pandey, J)

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