

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34455 of 2021

Arising Out of PS. Case No.-58 Year-2020 Thana- SIKTI District- Araria

Ashutosh Kumar Jha @ Babu @ Ashutosh Jha, S/o Padma Nand Jha R/o
Village- Ramai, Ward No.5, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kundan Kumar Singh, Adv.

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

5 28-02-2022 Heard learned counsel for the petitioner as well as
learned APP for the State.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

The petitioner seeks bail in connection with Sikty
(Bardaha) P.S. Case No.58 of 2020, G.R. No.922/2020
registered for the offence punishable under Section 392 of the
IPC.

The prosecution case in short, is that on 18.03.2020 at
2.30 PM informant along with his colleague Kishan Kumar



riding on TVS motorcycle were going to withdrawal of money. After withdrawal of Rs.3,00,000/- from Bandhan Bank, they reached near Pararla Bakra river one Pulsar motorcycle rode by three culprits pushed the motorcycle of informant and in the meanwhile, three persons riding on motorcycle came therefrom behind and they all six persons assaulted the informant and his colleague and on the point of firearm they snatched rupees three lacs, mobile phones as well as the key of the motorcycle from the informant and his colleague, thereafter, they fled away from there towards Kursakanta.

Learned counsel appearing on behalf of the petitioner submits that petitioner is not named in the FIR and he has falsely been implicated in the present case. He further submits that till date no TIP has been conducted by the prosecution. Learned counsel for the petitioner submits that charge sheet has been submitted against the petitioner and the petitioner is in custody since 19.06.2020. He further submits that co-accused Arvind Kumar Mishra has already been granted bail by co-ordinate Bench of this Hon'ble Court vide order dated 09.08.2021 passed in Cr. Misc. No.8546 of 2021.

Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that petitioner



carries seven criminal antecedents.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Araria/successor court in connection with Sikty (Bardaha) P.S. Case No.58 of 2020, G.R. No.922/2020 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 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.

(Rajesh Kumar Verma, J)

Prakash Narayan /-

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