

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24727 of 2022

Arising Out of PS. Case No.-167 Year-2021 Thana- KUMAR KHAND District- Madhepura

Abhimanyu Kumar @ Kukwa, Son of Late Nandkishor Prasad Yadav @ Late
Om Shanti Resident of village - Ranipatti, P.S.- Kumarkhand, District -
Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar

For the Opposite Party/s : Mr. Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 15-09-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Kumarkhand P.S. Case No. 167 of 2021, registered for the

offence punishable under Section 392 of the Indian Penal

Code.

As per prosecution case, emerging from the FIR, a

case has been lodged against unknown persons under

Section 392 of the Indian Penal Code for alleged robbery.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in

this case only on the basis of the suspicion by the police. He



is neither named in the FIR nor arrested on the spot. He further submits that no TIP has been conducted till date. He also submits that no incriminating article has been recovered from his conscious possession or from his house. He further submits that investigation is complete and charge-sheet has already been submitted. He has been languishing in jail since 16.06.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of the petition that the petitioner has earlier been made accused in four more cases, namely, Kumarkhand P.S. Case No. 140 of 2018, Kumarkhand P.S Case No. 133 of 2019, Kumarkhand P.S. Case No. 134 of 2019 and Madhepura (Bharrahi O.P) P.S. Case No. 608 of 2019.

However, the learned APP for the State vehemently opposes the prayer for bail saying that the alleged offence is serious in nature.

Considering the aforesaid facts and circumstances,



the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. A.C.J.M-IV, Madhepura in connection with Kumarkhand P.S. Case No. 167 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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