

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33982 of 2021

Arising Out of PS. Case No.-260 Year-2020 Thana- GRIYAK District- Nalanda

Banti @ Shivshankar Kumar S/o Rajesh Kumar R/o village- Rahimpur
Panchkhuti, Ward No. 11, P.S.- Muffasil, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ganesh Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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

Petitioner seeks bail in connection with Giriyak P.S.
Case No. 260 of 2020, G.R. No. 3916 of 2020 registered for the
offences punishable under Sections 392 of the Indian Penal
Code

According to prosecution case, one Scorpio vehicle
has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. and he is innocent and has



committed no offence and he has falsely been implicated in the present case on the basis of confessional statement of co-accused namely Sanny Bharti and the self confessional statement of the petitioner. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. It is further submitted that after investigation the police has submitted the charge sheet against the petitioner and other co-accused person. The petitioner is in custody since 26.11.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail, submitting that petitioner carries two criminal antecedents.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Nalanda (Bihar Sharif) in connection with Giriyak P.S. Case No. 260 of 2020, G.R. No. 3916 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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