

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27871 of 2022

Arising Out of PS. Case No.-94 Year-2021 Thana- SHANKARPUR District- Madhepura

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MUKESH KUMAR S/o Kameshwar Yadav Resident of Village- Maura
Ramnagar, Ward No.-7, P.S.- Shankarpur, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2022 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner seeks bail in a case registered for

the offence under Sections 399, 402/34 of the Indian Penal

Code.

The allegation against the petitioner is for

preparation of committing dacoity and having possession of

one knife in connection with the said preparation.

Learned counsel appearing for the petitioner

submits that the petitioner is innocent and has falsely been

implicated in this case. He further submits that it appears

from the F.I.R. as well as seizure list, one iron fighter has

been recovered from the conscious possession of the



petitioner. He further submits that similarly situated co-accused, namely, Sanjiv Kumar @ Sintu @ Sanjib Kumar @ Sintoo has already been granted bail by a co-ordinate Bench of this Court vide order dated 05.07.2022 passed in Cr. Misc. No. 10911 of 2022 and another co-accused, namely, Abhishek Kumar @ Bhavesh Kumar has also been granted bail by a co-ordinate Bench of this Court vide order dated 06.07.2022 passed in Cr. Misc. No. 11350 of 2022. The petitioner is rotting in judicial custody since 02.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries three more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 Shankarpur P.S. Case No. 94 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 canceled 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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