

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38927 of 2021**

Arising Out of PS. Case No.-45 Year-2020 Thana- SAMASTIPUR District- Samastipur

Manoj Prasad @ Manoj Sah @ Shambhu Sah S/O Ram Prasad @ Darik Sah
Resident Of Village- Harishankar, Baghvni, P.S-Tajpur, District-Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate
For the Opposite Party/s : Mrs. Veena Rani Prasad, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 10-03-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor 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.

Petitioner seeks bail in connection with Samastipur (Town) P.S. Case No. 45 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

According to prosecution case, as per the F.I.R., the informant Sanjay Kumar Thakur, an employee for cash collector from the shop and getting it deposited in Bank, was going to HDFC Bank, Gola Road, Samastipur on 24.02.2020 for depositing Rs.31,75,000/- along with his co-employee Kunwarjit Kumar Singh. On the way, near Lakhna Chowk,



Kashipur, three unknown persons riding a Pulsar bike over took him and stopped and entered into an argument that why did he collide with their bike. Two of the persons kept down and started snatching his bag then the informant fell down from his own motorbike and one of them took him on gun point and snatched away his bag.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of confessional statement of co-accused Sonu Kumar. He further submits that till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Sonu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 24.03.2021 passed in Cr. Misc. No. 39712 of 2020. The petitioner is in custody since 17.03.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing**



of the charges so that the trial may not hamper, 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, Samastipur in connection with Samastipur Town P.S. Case No. 45 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)

mdrashid/-

U		T	
---	--	---	--

