

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38948 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- HATHAURI District- Samastipur

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KUNDAN KUMAR Son of Pramod Sahni Resident of Village - Patelia Tole
Deyanatpur, P.S. - Bibhutipur, District – Samastipur. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 02-03-2022 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner seeks bail in connection with Hathauri P.S.
Case No. 24 of 2021 registered for the offence under Sections 394,
414 and 34 of the Indian Penal Code.

The prosecution case, in short, is that on 14.07.2021 at 6
p.m. after closing the shop, informant proceeded towards village then
he got some doubts that two persons were chasing to him and after
some distance, the miscreants stopped him and on the point of pistol
snatched his bag containing a sum of Rs. 45,000/- and some
ornaments but after some times his villager Ajay Poddar came there
with motorcycle and chased them. They were caught by the villagers
and on enquiry they told their names as Naresh Sahni and Kundan
Kumar (petitioner) and on search 9 pair silver payal and 23 piece
Nakmuni recovered with a bag.

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. It is further



submitted that nothing has been recovered from the conscious possession of the petitioner. It is further submitted that the petitioner was apprehended on the spot. It is further submitted that as per the allegation as alleged in the first information report, only Rs. 45,000/- along with ornaments has been looted from the informant but it appears from the seizure list that the aforesaid Rs. 45,000/- has not been recovered from the possession of the petitioner. It is further submitted that the looted articles and Bajaj Pulsar Motorcycle vide Registration No. BR.09H-7592 are not belonging to the petitioner. It is further submitted that police after investigation submitted charge sheet against the petitioner and the petitioner is in custody since 16.02.2021.

Learned APP for the State opposes the prayer for bail of the petitioner and submits that the petitioner carries one criminal antecedent more than the present one.

Considering the facts and circumstances of the case, let the petitioner, above name, 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 Judicial Magistrate 1st Class, Rosera, Samastipur in connection with Hathauri P.S. Case No. 24 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 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 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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