

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28911 of 2022

Arising Out of PS. Case No.-70 Year-2022 Thana- AMARPUR District- Banka

Tulsi Kumar @ Abhijit Kumar @ Rajesh Kumar, Son Of Late Prasadi Ra,
Resident Of Village- Bhadrar , P.O Bhatkundi , P.S- Banka , Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh, Advocate

For the Opposite Party/s : Mr.Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Amarpur P.S. Case No. 70 of 2022 registered for the alleged offences under Section 394 of the Indian Penal Code.

As per prosecution case, two miscreants stopped the vehicle of the informant and assaulted him with the butt of pistol and took away his mobile phone, a purse containing Rs. 8,000/-, four ATM Cards, Pan Card, Driving Licence and Aadhar Card etc. They were joined by two more miscreants who



assaulted the labourers sitting on the pickup van of the informant. The name of the petitioner transpired as an accused during investigation.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this. The FIR has been registered against unknown and the petitioner is not named and his name came up in this case merely on the basis of confessional statement of co-accused. Nothing incriminating has been recovered from his conscious possession. Learned counsel further submits that though the petitioner has been made accused in six cases, but most of the cases have been registered against unknown and the petitioner has been falsely implicated in those cases. The petitioner is in custody since 05.03.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons snatched the belongings of the informant and during investigation, his name transpired as an accused person. The petitioner is a habitual offender.

Having regard to the submissions made hereinabove and considering the fact that no recovery has been shown from this petitioner and further considering the submission of charge-sheet as well as the period of custody of the petitioner, he is



directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Amarpur P.S. Case No. 70 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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