

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31035 of 2022

Arising Out of PS. Case No.-362 Year-2021 Thana- MADANPUR District- Aurangabad

=====

ASHISH KUMAR, SON OF ARUP SHANKAR SINGH R/O- PHULWARI SHARIF, P.S.- PHULWARI SHARIF, DISTRICT- PATNA, PRESENTLY AT POORVA AKASHWANI ROAD, NEAR VIDYUT MORE OFFICE, RAJA BAZAR, P.S.- SHASTRI NAGAR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar

For the Opposite Party/s : Mr. Choubey Jawahar

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 13-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with

Madanpur P.S. Case No. 362 of 2021, registered for the

offences punishable under Sections 395 and 397 of IPC.

The prosecution story in brief is that the informant,

who is the owner of the truck, bearing Registration No.

NL01AD-1956, has alleged that the petitioner and his

associates had assaulted his driver and Khalasi and also

looted his truck, in which Sariya had been loaded.

The learned counsel for the petitioner submits that

the petitioner is innocent and has falsely been implicated in



this Case. The FIR has been lodged on account of dacoity. Three persons have been named in the FIR. He further submits that the name of the present petitioner does not figure in the array of the accused named in the FIR. The police has arrested the petitioner during the course of investigation only on the basis of suspicion. No recovery has been made from the conscious possession of the petitioner. Even no Test Identification Parade has been made.

The petitioner is in custody since 25.12.2021

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated that the petitioner has no criminal antecedent.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and Circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned CJM, Aurangabad, in connection with Madanpur, P.S. Case No. 362 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.



(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

uttam/-

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

