

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41674 of 2021**

Arising Out of PS. Case No.-390 Year-2019 Thana- RAXAUL District- East Champaran

MUNNA PATEL Son of Suresh Patel Resident of Village- Nayak Tola, P.S.-
Harpur O.P. (Adampur), Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

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

5 02-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner prays for grant of regular bail in Raxaul P.S. Case No. 390/2019 registered for the offence punishable under Sections 392 of the Indian Penal Code.

As per the prosecution case, four unknown miscreants, armed with weapons, entered into the shop of the informant and took away a bag containing Rs. 1,20,000/-. It is further alleged that the accused persons took away Rs. 75,000/- cash, Aadhar Card and A.T.M. Card from the shop of the informant.

Learned counsel appearing for the petitioner submits



that the petitioner is innocent and has falsely been implicated in this case. In fact, the petitioner has not been named in the F.I.R. but on the basis of confessional statement of the co-accused, namely, Guddu Patel, name of this petitioner has surfaced in this case. Neither the petitioner has been put on T.I.P. by the prosecution nor anything incriminating has been recovered from his exclusive possession. Moreover, the co-accused, Guddu Patel @ Prem Kumar Patel has already been granted bail by a co-ordinate Bench of this Court vide order dated 04.10.2021 passed in Cr. Misc. No. 39341 of 2021. The petitioner is rotting in judicial custody since 12.03.2021

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries five 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 C.J.M, East Champaran, Motihari in connection with Raxaul P.S. Case No. 390 of 2019 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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