

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32468 of 2022

Arising Out of PS. Case No.-89 Year-2022 Thana- NAANPUR District- Sitamarhi

MANISH KUMAR Son of Bharat Singh Resident of Village - Majhaur, P.s.-
Nanpur, Distt. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-08-2022 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 a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Section 392 of the Indian Penal
Code.

According to prosecution case, the informant namely
Ajay Kumar gave written statement to the police stating therein
that on 28.02.2022 he withdraw Rs.2,30,000/- from the State
Bank of India Branch Pupri and after keeping the same in the
carry bag along with other papers of the bank departure for
Mahugacchi by motorcycle, in the meantime two unknown
persons came there on Apache Motorcycle from the back side
wearing Helmet and pushed him by motorcycle as such eh fell



down and thereafter, on threat of pistol they snatched his bag and the key of the motorcycle and fled away towards Pupri.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that in fact petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of Tower Location. He further submits that only Rs.500/- and one mobile has been recovered from the possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Pravin Kumar @ Pravin Thakur has been granted bail by this Court vide order dated 30.08.2022 passed in Cr. Misc. No. 29837 of 2022. The petitioner is in custody since 03.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Court



below where the case is pending in connection with Nanpur P.S.

Case No. 89 of 2022, 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)

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