

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42923 of 2021**

Arising Out of PS. Case No.-81 Year-2020 Thana- GADHPURA District- Begusarai

KRISHNA KUMAR @ BABLU @ BABUL Son of Ram Sohan Paswan
Resident of village - Bathoul, P.S.- Khodawandpur, Dist.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

2 31-01-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s) be removed within two weeks of
the complete start of the physical Court in normal course.

The petitioner, who is in custody since 07.01.2021,
seeks regular bail in connection with Gadhpura P.S. Case No. 81
of 2020, for the offence punishable under Section 395 of the
Indian Penal Code.

The prosecution case, in brief, is that while
informant was going to Samastipur by Bolero Pickup van
bearing registration No. BR-33GA-9524, then miscreants, who
were boarded on Ekko Van overtook the vehicle of the
informant and forced the informant to stop his vehicle.



Thereafter, they snatched the key of the vehicle from the driver and looted Rs. 46,000/- and other documents like, Aadhar Card, Pan Card, Driving License, A.T.M Card etc. on the point of pistol and fled away with the said Bolero vehicle of the informant.

Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that the alleged vehicle, which was snatched from the driver of the informant was recovered near the house of one Prakash Sharma and nothing has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has been roped in the present case on the confessional statement of co-accused Shrawan Kumar Singh, who has stated that petitioner is a dacoit and other co-accused have also supported the complicity of the petitioner in the present case.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that petitioner is a habitual offender and one other case is also pending against him as such he does not deserve to be enlarged on bail.

Considering the above mentioned facts and



circumstances of the case, prima facie it appears that nothing has been recovered from the possession of the petitioner, rather the name of the petitioner surfaced in this case on the confessional statement of co-accused. The Court below is directed to obtain criminal antecedent report from the concerned Superintendent of Police and if it is found that no other criminal case is pending against the petitioner, as what has been stated in paragraph No.3 of the present bail application, the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Gadhpura P.S. Case No. 81 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature



of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

manish/-

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

