

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43609 of 2021**

Arising Out of PS. Case No.-28 Year-2021 Thana- SIKANDRA District- Jamui

BIRENDRA KUMAR@PALLU KUMAR Son of Kesho Yadav Resident of
Village - Sikandra , P.s.- Sikandra, Distt.- Jamui.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.
For the Opposite Party/s : Mr. A.P.P.

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

4 10-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sikandra P.S. Case No. 28 of 2021 registered for the offence
under Sections 394 and 411 of the Indian Penal Code.

The case relates to snatching of motorcycle and a
cash of Rs. 4,76,000/-.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,
the petitioner has not been named in the F.I.R. and mere
confession of the co-accused, Nitish Kumar @ Santosh
Kumar, this petitioner has been made accused in this case.



Save and except confession, no cogent material is against the petitioner. No looted materials have been recovered from the conscious possession of the petitioner rather the alleged recovery of cash and other articles belong to the family of the petitioner. Moreover, the co-accused, namely, Laxman Kumar @ Laxman Kumar Paswan, having more or less similar allegation, has already been granted bail by this Court vide order dated 01.12.2021 passed in Cr. Misc. No. 34612 of 2021 and other co-accused, namely, Nawin Kumar @ Pujwa @ Puswa and Shankar Kumar have already been granted bail by different co-ordinate Benches of this Court vide order dated 19.01.2022 and 26.11.2021 passed in Cr. Misc. No. 27766 of 2021 and Cr. Misc. No. 31142 of 2021, respectively. The petitioner is rotting in judicial custody since 23.01.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 J.M-1st Class, Jamui in connection with Sikandra P.S. Case No.



28 of 2021 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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