

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35322 of 2022

Arising Out of PS. Case No.-338 Year-2021 Thana- BALIYA District- Begusarai

SHUBHAM KUMAR @ KHAKHRA, Son of Raushan Singh Resident of
Village - Simha Uttarwadi Tola, P.S.- Matihani, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

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

The petitioner is in judicial custody in connection
with Balia P.S. Case No.338 of 2021 instituted under Section
392 of the Indian Penal Code.

As per the prosecution story, when the informant was
going towards his in-laws house, the accused persons
intercepted on the point of pistol and snatched his vehicle.
Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that only
because he has criminal antecedent, he has been made accused
in this case. His further submission is that in course of



investigation, his name has cropped up in the confessional statement of Pyush Kumar Jha and is in judicial custody since 30.03.2022. However, till the filing of the bail application, neither the TI Parade has been done nor any thing has been recovered from his conscious possession.

Learned APP on the other hand opposes the bail stating that considering the criminal antecedent that he has do not deserve bail.

Taking into account the fact that he is in custody since 30.03.2022, charge sheet stands submitted, no TI Parade has been done nor nothing has been recovered from his conscious possession, this Court is inclined to grant him privilege of bail after framing of the charges. If however, it is found that that any of the statement made in the bail application is false, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Balia P.S. Case No.338 of 2021 to the satisfaction of learned Chief Judicial Magistrate, Begusarai, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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

