

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35714 of 2022**

Arising Out of PS. Case No.-404 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

JIUT KUMAR @ JIVIT KUMAR S/O BUDHAN SAH R/O KHURMABAD,
P.S.- SIWAM MUFFASIL, DISTRICT- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyendra Rai

For the Opposite Party/s : Mr.Arvind Kumar Pandey ,App,84

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

2 28-09-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Siwan Muffasil P.S. Case No. 404/2021 registered for the offences punishable under Sections 392 of the Indian Penal Code and later on Section 411 of Cr.P.C. has been madded vide order dated 27.08.2021.

As per prosecution case, the informant's mobile snatched by three unknown persons on the point of pistol.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. During course of



investigation the name of the petitioner has come in this case and he made his confession before the police and on the basis of his confessional statement, the looted mobile of the informant has been recovered from the possession of co-accused, Sujit Kumar. The petitioner is languishing in custody since 27.08.2021 and bears criminal antecedent of 04 cases. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has not put on T.I. Parade. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Siwan in connection with Siwan



Muffasil P.S. Case No. 404/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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