

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39114 of 2022

Arising Out of PS. Case No.-324 Year-2021 Thana- HARNAUT District- Nalanda

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MOHAN KUMAR Son of Upendra Ray Resident of Naya Tola Sabnima,
Athmalgola, Police Station - Athmalgola, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh

For the Opposite Party/s : Mr.Mukeshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 14-11-2022 Learned counsel for the petitioner is permitted to

make necessary correction in paragraph no. 1 and prayer portion

of the bail petition.

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 Harnaut

P.S. Case No. 324/2021 registered for the offences punishable

under Sections 394 of the Indian Penal Code.

As per prosecution case, three unknown miscreants

have looted Rs.15,000/- from Suresh medical shop and

Rs.5,000/- from Mathura medical shop.

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 on the basis of confessional statement of co-accused Raushan Kumar @ Aryan Kumar, the name of petitioner surfaced in this case. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 15.09.2021 and bears criminal antecedent of four cases. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Uptill now there is no T.I. Parade has been conducted.

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, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Harnaut



P.S. Case No. 324/2021, 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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