

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38904 of 2022

Arising Out of PS. Case No.-408 Year-2021 Thana- KHAGARIA District- Khagaria

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Anup Kumar @ Rohit Kumar @ Manish Kumar @ Shivam Kumar Son of
Deepak Yadav @ Deep Yadav Resident of village - Nayatola Jurabganj, P.S.-
Kodha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 16-12-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 408 of 2021 registered for the alleged offences under Sections 356, 379/34 of the Indian Penal Code.

As per prosecution case, the informant was returning home after withdrawing Rs. 50,000/- from his bank, On his way his motorcycle got punctured and while he was getting it repaired, two miscreants fled away with the bag containing the money, service book, certificates, Pan card, Aadhar card, Votor I-card, cheque book of the bank, keys etc. The name of the petitioner transpired during investigation as one of the accused



persons who committed this theft.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has been made accused on the basis of his confession. No Test Identification Parade has been conducted by the police and nothing incriminating has been recovered from the possession of this petitioner. The petitioner is in custody since 11.10.2021 and charge sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the petitioner is having criminal antecedent and is accused in a number of cases of similar nature.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioners and the submission of charge-sheet against them, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Chitragupta Nagar) P.S. Case No. 408 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of



the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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