

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44858 of 2022

Arising Out of PS. Case No.-40 Year-2020 Thana- KHAIRA District- Saran

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ABHISHEK KUMAR SON OF SURESH RAI R/O VILLAGE- WAJITPUR,
P.S.- CHAPRA MUFFASIL, DISTRICT- SARAN (CHAPRA)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 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 Khaira
(Nagra O.P.) P.S. Case No. 40 of 2020 registered for the
offences punishable under Sections 395 of the Indian Penal
Code.

As per prosecution case, seven unknown
miscreants on three motorcycles are alleged to have robbed the
office of the informant of Rs. 1,11,000/- approx on the point of
pistol. The informant gives the description of the accused
persons and also mentions about CCTV footage.

Learned counsel for the petitioner submits that



petitioner is not named in the FIR. His name has been transpired in the case upon the confessional statement of co-accused Pankaj Kumar. Except confessional statement of co-accused there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 02.02.2022 and bears criminal antecedent of five cases in which he is on bail in three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further orally submits that no TIP has been conducted uptill now. He further submits that annexure 2 of the bail petitioner shows that there is no CCTV footage of the occurrence in question which is mentioned in the order dated 16.08.2021 passed in Cr. Misc. No. 36218 of 2020 by the co-ordinate bench of this Court. He further submits that co-accused Pankaj Kumar upon whose confessional statement the name of present petitioner has been surfaced in the case, has been granted bail vide Cr. Misc. No. 36218 of 2020 by the co-ordinate bench of this Court and the case of present petitioner stands on better footing.



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, co-accused has already been granted bail by co-ordinate bench of this court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, 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, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra, District- Saran in connection with Khaira (Nagra O.P.) P.S. Case No. 40 of 2020, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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