

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42000 of 2022

Arising Out of PS. Case No.-291 Year-2019 Thana- MAJHAULIA District- West Champaran

M Munna Son of M Ramu Resident of Village - Asika, P.s.- Taluka, Distt.-
Ganjam (Odisa).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwajeet Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Majhauria P.S. Case No. 291 of 2019 registered
for the alleged offences under Sections 392, 412 and 34 of the
Indian Penal Code.

As per prosecution case, the informant and his wife
withdrew an amount of Rs. 30,000/- from the bank and while
they have been going towards their house, two miscreants on a
motorcycle tried to snatch the bag containing the money at
gunpoint. The informant and his wife resisted the attempt and
with the help of the public this petitioner was apprehended and



another co-accused fled away from the spot.

The learned counsel for the petitioner submits that the prayer for bail of the petitioner was rejected twice by a Co-ordinate Bench vide orders dated 17.03.2021 passed in Cr. Misc. No. 4370 of 2019 and order dated 15.12.2021 passed in Cr. Misc No. 47068 of 2021. Learned counsel further submits that there is fresh ground for moving this application for grant of bail as the informant and his wife have been examined by the learned trial court and in their deposition, they did not identify the petitioner. Learned counsel further submits that moreover, the petitioner is in custody since 14.06.2019 and the trial has not been concluded till date and there is no likelihood of conclusion of the trial in near future. Thus, he prays for grant of bail to the petitioner.

Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that the bail prayer of the petitioner was rejected twice and the petitioner is not a local person and there is a chance of his absconding, if he is released on bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and notwithstanding the rejection of prayer for bail twice by this Court and further considering the slow pace of trial and subsequent development



regarding deposition of informant and his wife before the court and also considering the period of custody of this petitioner and likelihood of trial not concluding in near future, 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, West Champaran at Bettiah in connection with Majhauria P.S. Case No. 291 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) The application shall, at the time of execution of bond, furnish his address and mobile number to the court concerned.
- (ii) One of the bailors will be close relative of the petitioner.
- (iii) The petitioner will remain present on each and every date fixed by the court concerned.
- (iv) 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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