

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41626 of 2022

Arising Out of PS. Case No.-38 Year-2020 Thana- AURAI District- Muzaffarpur

KAUSHAL DAS S/o Late Girdhari Das R/o village- Atrar, P.S.- Aurai,
District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-11-2022 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on record.

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 Aurai
P.S. Case No. 38 of 2020 registered for the offences punishable
under Section 392 of the Indian Penal Code.

As per prosecution case, three accused persons on
two motorcycles are stated to have snatched a total of Rs. 4.62
lacs (approximately) from the informant and others.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR. He has submitted through



supplementary affidavit that name of present petitioner has been surfaced upon the confessional statement of co-accused Upendra Sahani and Santosh Sahani. He further submits that co-accused Upendra Sahani and Santosh Sahani have already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No. 17393 of 2021 and Cr. Misc. No. 20819 of 2021 and the case of present petitioner stands on better footing keeping in view this fact that name of present petitioner has come in this case upon confessional statement of said co-accused persons. No incriminating article has been recovered from possession of the petitioner and petitioner has not been put on TIP till today. He further submits that petitioner is in custody since 24.12.2021 and bears criminal antecedent of three cases in which he is on bail. He further submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, co-accused has been



granted bail, 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 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, Muzaffarpur in connection with Aurai P.S. Case No. 38 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.

(Alok Kumar Pandey, J)

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