

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42747 of 2022

Arising Out of PS. Case No.-286 Year-2020 Thana- TEGHRHA District- Begusarai

PREM KUMAR @ PRINCE Son of Deepak Choudhary @ Dipak Choudhary
Resident of Village - Bahadurpur , Ward No.26, P.s.- Samastipur Town, Distt.-
Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmi Kant Sharma

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-11-2022 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 Teghra
P.S. Case No. 286 of 2020 registered for the offences punishable
under Section 395 of the IPC.

As per prosecution case, informant was sitting on his
father's jewelry shop namely Laxmi Jewelers in the meantime some
miscreants armed with pistol entered his jeweleries shop, out of them
two came to him put pistols and rest two started committing dacoity
of jeweleries and other articles. All of them had covered their faces
with Napkins and Helmets. All of them were in the age group of 22
to 27 years. One manual mobile set of criminal was left at the shop.



All of them ran away by a car and motorcycle.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. His name has been transpired upon the confessional statement of co-accused Saurav Kumar and others. 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 06.10.2021 and bears criminal antecedent of four cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner was arrested in Sadar Darbhanga Nagar P.S. Case No. 320 of 2020 and has been remanded in the present case. He also submits that petitioner was not put on TIP parade. No incriminating article has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the criminal antecedent.

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, 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, Begusarai in connection with Teghra P.S. Case No. 286 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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