

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42803 of 2022**

Arising Out of PS. Case No.-11 Year-2021 Thana- DARPA District- East Champaran

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KUMODH KUMAR @ SUMODHA KUMAR @ ENGINEER Son of  
Rameshwar Shah @ Rajeshwar Sah Resident of Village - Lakhaura, P.s.-  
Lakhaura, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

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**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 Darpa  
  
P.S. Case No. 11 of 2021 registered for the offences punishable  
  
under Section 392 of the Indian Penal Code.

As per prosecution case, two persons on Apache  
  
motorcycle came near to informant and dashed him and took  
  
away Tab, Bio Matric and Rs. 1,25,000/- in cash of the  
  
informant.

Learned counsel for the petitioner submits that  
  
petitioner is in custody since 02.09.2021. Petitioner bears



criminal antecedent of three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of the present petitioner has been surfaced on the confessional statement of co-accused Vibhas Kumar, Shashi Ranjan Kumar and Rahul Kumar who confessed their guilt and named the petitioner who has been remanded in the present case after lapse of seven months. Except confessional statement of co-accused persons, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Apprehended co-accused persons have inimical term with the petitioner so they have falsely named the petitioner in the present case. He further submits that no incriminating article has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner orally submitted that no TIP has been conducted.

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, charge sheet has been submitted in the case and there is no likelihood of tampering with the



prosecution evidence, as submitted, 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 Shri K.K. Shukla, J.M. Ist class, East Champaran, Motihari in connection with Darpa P.S. Case No. 11 of 2021, 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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