

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43566 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- KHIJARSARAI District- Gaya

PRADUM KUMAR Son of Late Ashok Mahto Resident of Village - Mandai,
Sapneri, P.s.- Khizersarai, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Om Prakash Singh
For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2022 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
Khizersarai P.S. Case No. 31/2022 registered for the offences
punishable under Sections 392 and 411 of the Indian Penal
Code.

As per prosecution case, on 21.01.2022 the informant
was operating his mobile on the roadside in the meantime four
miscreants on motorcycle reached there and showing the knife
surrounded and started abusing and further directed to hand over
all the articles. It is alleged that all miscreants snatched his
mobile, sliver ring and cash Rs.500/- and they fled away. In the
meanwhile, the informant raised hue and cry on which local



villagers gathered and caught three miscreants. It is further alleged that one silver ring has been recovered from the possession of the petitioner.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case due to dirty village politics. The petitioner is languishing in custody since 21.01.2022 and bears no criminal antecedent. He further submits that the said recovered ring belongs to the petitioner, basically nothing has been recovered from the conscious possession of the petitioner. There is no compliance of Section 100 Cr.P.C. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused, Chintu Kumar and Jugeshwar Paswan have already been granted bail by different co-ordinate Benches of this Court vide Cr. Misc. No. 32418/2022 and 31141/2022 respectively and the case of present petitioner stands on similar 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, on similar allegation co-accused have already been granted bail, argument advanced on behalf of both sides,



charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, as submitted and keeping in view clean antecedent of petitioner and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, Gaya in connection with Khizersarai P.S. Case No. 31/2022, 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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