

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54519 of 2021

Arising Out of PS. Case No.-79 Year-2021 Thana- BARURAJ District- Muzaffarpur

Subodh Kumar, Son of Kodai Bhagat @ Shri Arun Bhagat, Resident of
Village- Kamalpur, Police Station Baruraj, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 30-08-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Ravindra Nath Dubey, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Baruraj P.S. Case No. 79 of 2021 registered for
the offence punishable under Section 392 of the Indian Penal
Code.

As per prosecution case, it is alleged that while the
informant was coming from State Bank of India after
withdrawing Rs.50,000/-, in the meantime, three persons came
on motorcycle and surrounded him and snatched Rs.50,000/- on
the point of pistol. It is further alleged that on hulla being raised,



the villagers apprehended one of the accused person, who disclosed his name as Avinash Kumar and also disclosed the name of his associates including the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner was neither arrested at the spot nor any incriminating material has been recovered and save and except the disclosure made by the apprehended person, there is no material against the petitioner. However, the co-accused Avinash Kumar, who was apprehended by the villagers at the spot, has already been granted bail by the learned coordinate Bench of this Court in Cr. Misc. No. 51356 of 2021 vide order dated 04.04.2022. It is lastly submitted that though the petitioner is in custody since 04.06.2021, but till date he has not been put on TIP, though after conclusion of the investigation, the charge-sheet has been submitted.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has multiple criminal antecedent, inasmuch he is named in two other cases.

Having regard to the submissions made on behalf of the parties and considering the fact that the name of the petitioner has been disclosed by co-accused Avinash Kuamr, who was apprehended by the villagers, has already been granted



bail by a coordinate Bench of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Muzaffarpur in connection with Baruraj P.S. Case No. 79 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in



terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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