

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45098 of 2022

Arising Out of PS. Case No.-31 Year-2021 Thana- NALANDA District- Nalanda

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MUKESH KUMAR Son of Birmani Prasad @ Virmani Prasad Resident of
village - Rupan Bigha, P.S.- Tharthari, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh
For the Opposite Party/s : Mr.Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 07-12-2022 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
Nalanda P.S. Case No. 31 of 2021 registered for the offences
punishable under Sections 392 of the Indian Penal Code.

As per prosecution case, four miscreants entered
into the house of informant and took away Rs. 50,000/- in cash,
6 bhari of gold jewellery, mobile phone and other house hold
articles. It is further alleged that one mobile phone of Red Mi
company was also taken away.

Learned counsel for the petitioner submits that
petitioner is in custody since 17.08.2021. Petitioner bears



criminal antecedent of six cases and all the cases are of the year 2021 and prior to that there was no criminal antecedent of the present petitioner. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner further submits that the petitioner is not named in FIR. The name of the present petitioner surfaced in this case upon the confessional statement of co-accused Rakesh Kumar. Except the confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Nothing has been recovered from the physical or conscious possession of the petitioner. No TIP has been conducted uptill now.

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, nothing has been recovered from the possession of the petitioner, as submitted, 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, 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 Chief Judicial Magistrate, Nalanda at Bihar Shariff in connection with Nalanda P.S. Case No. 31 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate



permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the learned trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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