

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45731 of 2022

Arising Out of PS. Case No.-159 Year-2018 Thana- PANCHRUKHI District- Siwan

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ASHISH KUMAR @ ASHISH KUMAR PRASAD SINGH SON OF VIJAY
SINGH R/O VILLAGE- HAKAM, P.S.- SIWAN, DISTRICT- SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Rita Verma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 09-12-2022 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 Siwan in
B.P. No. 662 of 2022 arising out of Pachrukhi P.S. Case No. 159 of
2018 registered for the offences punishable under Sections 392
and 412 of the Indian Penal Code.

As per prosecution case, four miscreants on two
motorcycles followed the informant and at the point of pistol they
took away informant's motorcycle, two mobile phones and purse
containing Rs.500/- cash, PAN card, Adhar card and driving
licence.

Learned counsel for the petitioner submits that



petitioner is in custody since 09.06.2022. Petitioner bears criminal antecedent three cases in which he is on bail. 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 petitioner has been made accused in this case during course of investigation merely on suspicion. He further submits that petitioner is accused in Siwan Muffasil P.S. Case No. 330 of 2018 and 333 of 2018 and on the basis of the said criminal antecedent he has been made accused in the present case. Petitioner has made his self confessional statement in Para 15 of the case diary, as mentioned in impugned order. Except the confessional statement, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. No incriminating article has been recovered from the possession of the petitioner. No T.I.P. 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, no incriminating article 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 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VI, Siwan at Pachrukhi in connection with Pachrukhi P.S. Case No. 159 of 2018, 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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