

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55403 of 2021**

Arising Out of PS. Case No.-145 Year-2019 Thana- INDUSTRIAL AREA District- Vaishali

Kunal Kumar S/o Pradip Ray R/o village- Semara, P.S.- Sonepur, Distt.-
Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate.

For the Opposite Party/s : Mr. Amitesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

5 18-05-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Rajani Ranjan Pd. Singh, learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Industrial Area P. S. Case No. 145 of 2019 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 20.08.2019, while the informant, who happens to be owner of



the Tails Imperium, was returning to his house by Honda Shine motorcycle with a bag containing Rs. 2,45,000/- and in his way when he reached at National Highway, three unknown miscreants intercepted him and took up the key of his motorcycle and robbed the informant bag containing cash of Rs. 2,45,000/- and other belongings.

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against three unknown persons and the name of the petitioner has been transpired on his own confession, when he was apprehended in Bidupur P. S. Case no. 368 of 2019. It is further submitted that though this petitioner is in custody since 19.08.2020 but till date he has not been put on T.I.P. surprisingly. During the course of investigation, it has come in paragraph no. 79 where re-statement of the informant has been taken, he disclosed the name of this petitioner. However, both the petitioner and the informant are resident of different districts. It is also submitted that nothing has been recovered from the person or possession of this petitioner and moreover, other similarly situated accuse persons whose name has also come during the course of investigation have already been granted bail by this Hon'ble Court.



On the other hand, learned APP for the State opposes the bail application and submits that this petitioner has confessed his guilt and further, he has been found involved in thirteen other similar kind of cases, as such, he does not deserve to grant privilege of bail.

Having considered the submissions made on behalf of the parties and taking into account the fact that the F.I.R. has been instituted against unknown persons and the name of the petitioner transpired on his own confession. Apart from the fact that nothing has been recovered from the person or possession of this petitioner and is in custody since 19.08.2020. Further, the informant has disclosed his name in his further statement which appears to be an after thought and suspicious when the petitioner as well as the informant are of different districts, let the petitioner, above named, 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Industrial Area P. S. Case No. 145 of 2019, subject to the condition that one of the bailors will be the close relative 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.

(Harish Kumar, J)

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