

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55748 of 2021

Arising Out of PS. Case No.-46 Year-2021 Thana- MAJORGANJ District- Sitamarhi

Shivam Kumar @ Shivam Kumar Singh S/O Sri Hari Narayan Singh @ Hari Singh R/O Village-Dumri Kala, P.S-Majorganj, District-Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshansh Ankit,Adv

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Majorganj P.S.Case No.46 of 2021 registered for the offence under Section 392 of the Indian Penal Code.

The prosecution case, in short, is that on 20.03.2021 at 6.51 P.M., one APACHE motorcycle born two persons came and asked him to fill petrol worth Rs.100/- and after filling the same, the person sitting at the back of the motorcycle, snatched his cash bag containing Rs.15,154/- by putting him under fear of life by showing a gun.



Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that the petitioner has been remanded in the instant case from Majorganj P.S.Case No.83 of 2021 on 18.06.2021. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that the name of the petitioner has transpired on the basis of confessional statement of co-accused, namely, Amit Kumar. He further submits that co-accused, namely, Amit Kumar has been granted bail vide order dated 25.01.2022 in Cr.Misc. No.55342 of 2021. Petitioner is in custody since 18.06.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the aforesaid facts and period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Sitamarhi in connection with Majorganj P.S.Case No.46 of 2021 with the following conditions:-



(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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