

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56631 of 2021

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

AVINASH KUMAR Son of Gaya Patel Resident of Village- Sonbarsha, P.S.-
Baruraj, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 11-04-2022 Heard counsel for the parties.

The petitioner is an accused under Section 392 of the Indian Penal code in connection with Baruraj P.S. Case No.79 of 2021 instituted under Section 392 of the Indian Penal Code.

As per informant's case, on 12.05.2021, after withdrawal of Rs.50,000/- from the State Bank of India Branch, he was returning home with one Subodh Kumar who was driving the motorcycle. The said Subodh Kumar advised the informant that a separate route should be taken to reach home early. When they moved towards that path; it is alleged that three persons on a motorcycle intercepted them on pistol point and snatched Rs.50,000/-. They later tried to flee from the place of occurrence. On informant's shout, the villagers assembled and they managed to nab one Avinash Kumar S/o Bachcha Patel while the other accused persons fled away. On the statement of



said Avinash Kumar that the name of petitioner cropped up, and it was also revealed by him that Subodh Kumar who was driving the motorcycle was the master mind of the entire incident.

The learned counsel for the petitioner submits that the petitioner is innocent. Neither looted articles nor any firearm has been recovered from him. He further submits that he is in jail since 14.05.2021 and as such he may be enlarged on bail while imposing any conditions this Court may deem, fit and proper. He has also brought on record the order passed by this Court in Cr. Misc. No.51356 of 2021 dated 04.04.2022, by which the said Avinash Kumar, S/o Bachcha Patel has been enlarged on bail.

Since the charge sheet has already been submitted in the case and as there is no question of tampering with the evidence as also the fact that he is in jail since 14.05.2021, let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of Judicial Magistrate, Ist Class, Muzaffarpur in connection with Baruraj P.S. Case No.79 of 2021.

However, since the petitioner has criminal antecedent



and was charged under same Section 392 of the Indian Penal code in connection with Baruraj P.S. Case No.77 of 2021; it is necessary to impose certain conditions on him which are as follows:

(i) one of the bailor should be the family member of the petitioner and will produce official document to show his *bona fide*;

(ii) he shall visit the local police station every fortnight for next six months and or the completion of the trial, whichever is earlier to mark his presence;

(iii) he shall co-operate with the trial and shall ensure his presence on each and every date and failure to do so for two consecutive dates without plausible reason; his bail bond shall be liable to be cancelled by the Trial Court itself;

(iv) in case the petitioner is involved in any criminal offence after his release on bail, the State shall be at liberty to initiate process for the cancellation of his bail.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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