

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55749 of 2021

Arising Out of PS. Case No.-217 Year-2020 Thana- ARA NAGAR District- Bhojpur

Rohit Kumar @ Bangali Yadav Son Of Madhesh Singh R/O Village- Garaha,
P.S.- Udawantnagar, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiv Prasad Gupta, Advocate.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

4 06-09-2022 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. Shiv Prasad Gupta, 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 Ara Town P. S. Case No. 217 of 2020 registered for the offences punishable under Sections 394 of the Indian Penal Code.

As per the prosecution case, it is alleged that four unknown persons armed with *lathi* and *danda* forcibly stopped the informant and began assaulting him and also snatched Rs.



200/- along with his gold locket from his neck. It is also alleged that all the accused persons forcibly took away his motorcycle.

Learned counsel appearing on behalf of the petitioner submitted that the F.I.R. has been instituted against unknown miscreants, the petitioner was neither put on Test Identification Parade nor any incriminating material has been recovered, however, during the course of investigation the petitioner was apprehended in one another case and thereafter, his confessional statement has been recorded and he has been remanded in this case on 27.08.2020 and since then he is in custody.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found involved in five other identical nature of cases.

Regard being had to the submissions made on behalf of the parties and taking into account that the petitioner is neither named in the F.I.R. nor he has been put on Test Identification Parade, apart from the fact that there is no recovery of any incriminating material and save and except the confessional statement, there is no material against the petitioner and he is in custody since 27.08.2020, 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, Bhojpur at Ara in connection with Ara Town P. S. Case No. 217 of 2020, 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.
- (v) 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 cancelling 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.

(Harish Kumar, J)

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