

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57900 of 2021

Arising Out of PS. Case No.-281 Year-2020 Thana- KARJA District- Muzaffarpur

1. Mohit Kumar @ Moit Kumar Son of Chulhi Sahani @ Chulha Sahani Resident of Village - Kamalpura, P.s.- Paroo, Distt.- Muzaffarpur.
2. Ratan Kumar Son of Pappu Sahani Resident of Village - Kamalpura, P.s.- Paroo, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-04-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioners seek bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code.

According to prosecution case, on 13.11.2020 when the informant Kundan Kumar and his brother Manjay Kumar were going to their house at village Raksha on his motorcycle with purchased shirt, jeans, sweater, jacket, T.shirt total 105



pieces packed in the plastic sack and as soon as they reached near Marwan Chowk near Old Block Office, One KWID Car of white colour came from behind close to the motorcycle. Informant stopped his motorcycle then four persons came out from the said car and pointed pistol upon informant and they snatched his bundle of clothes and keeping the bundle in the Dicky of the car went away toward Kanti Road. Informant at once informed at Karja police station on mobile from his mobile no. 620618545 of the alleged occurrence giving the detail of the said car and also about the physical features of the aforesaid four criminals whose faces were opened and claimed to identity on seeing them.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in the present case. He further submits that petitioners are not named in the F.I.R. and nothing has been recovered from the conscious possession of the petitioners and till date no TIP has been concluded by the prosecution. He further submits that similarly situated, co-accused, namely, Rahul Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 28.02.2022 passed in Cr. Misc. No. 34006 of 2021. The petitioners are in custody since 21.12.2020.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Karja P.S. Case No. 281 of 2020, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their 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.

3. And further condition that the court below shall verify the criminal antecedent of the



petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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