

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59788 of 2021

Arising Out of PS. Case No.-229 Year-2020 Thana- RAJNAGAR District- Madhubani

Manish Kumar @ Manish Kumar Yadav S/O Sri Kedhar Nath Banjara R/O
Village-Naya Tola, Jurabganj, P.S-Korha, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand
For the Opposite Party/s : Mr. Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in Virtual Court
proceeding.

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

Petitioner seeks bail in connection with CRI Case No.
1704 of 2020 arising out of Rajnagar P.S. Case No. 229 of 2020
registered for the offences punishable under Sections 379/34 of
the Indian Penal Code.

According to prosecution case, one Raghu Nath Ram
gave a written statement before the Officer-in-Charge of
Rajnagar police station stating therein that he withdrew
Rs.15,000/- from Punjab National Bank Branch Rajnagar, kept



the money and passbook into Dicky of the motorcycle. It has been also stated that he parked his motorcycle in the market and was purchasing the medicine and after purchased the medicine informant was returned and seeing the Dicky of the motorcycle brokered, any unknown person stole the said containing Rs.15,000/- and passbook from the Dicky of the motorcycle.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of self confessional statement of the petitioner in Pandaul P.S. Case No. 208 of 2020. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. The petitioner is in custody since 18.09.2020.

The learned Additional Public Prosecutor vehemently opposed the prayer for bail, submitting that petitioner carries two criminal antecedents.

Considering the aforesaid facts and circumstances, 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 the learned Chief Judicial Magistrate, Madhubani in connection with CRI Case No. 1704 of 2020 arising out of Rajnagar P.S. Case No. 229 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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 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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