

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61598 of 2021

Arising Out of PS. Case No.-140 Year-2020 Thana- KANKARBAG District- Patna

ABHISHEK KUMAR, Son of Avinash Rai, Resident of village - Jandaha, P.S.
- Jandaha, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Baxi S.R.P. Sinha, Sr. Advocate. Mr. Vinay Kumar Mishra, Advocate.
For the Opposite Party/s :	Mr. Ajit Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Kankarbagh P.S. Case No. 140 of 2020 for the offence
punishable under Section 392 of the Indian Penal Code.

The F.I.R. of the occurrence of robbery is against
unknown. Three unknown miscreants are said to have robbed
the motorcycle and mobile phone of the informant on the gun
point. Petitioner has a long list of criminal antecedent.

Learned counsel appearing on behalf of the petitioner
submits that the F.I.R. is against unknown. He has fairly



submitted that the petitioner is not associated with any gang of robberer that can be verified by the court below taking into consideration the cases which he has been referred in Para-3 of the present bail application. All the cases pending against the petitioner are of similar nature, but the petitioner is on bail in all those cases. Nothing has been recovered from conscious possession of the petitioner. No T.I.P. has been held till date. Petitioner is in custody since 28.01.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the petitioner has a long list of criminal antecedent and as such, it would not be proper to release the petitioner on bail who is involved in gang robbery off and on and the release would be against the public interest.

Having considered the statement made by the rival parties and specific submission made by Sr. counsel appearing on behalf of the petitioner that nothing has been recovered from conscious possession of the petitioner, no T.I.P. has been held, it would be proper that the court below after taking into consideration minutely the cases which are referred in Para-3 of the present bail application as to whether other co-accused whose name has surfaced in course of investigation in



connection with the present case being Kankarbagh P.S. Case No. 140 of 2020 registered under Section 392 IPC, the petitioner is not associated, in such circumstances, after recording specific finding, the court below is directed to release the petitioner, above named, on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Patna in connection with Kankarbagh P.S. Case No. 140 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(5) The court below is directed to verify the criminal antecedent of the petitioner and if it is found that



**the petitioner is involved in some other cases as what has
been stated in Para-3 of the bail petition, this order will
automatically loose its force.**

(Purnendu Singh, J)

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