

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52720 of 2022

Arising Out of PS. Case No.-107 Year-2022 Thana- DHURAIYA District- Banka

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SOURAV KUMAR S/o Subodh Mandal R/o village- Pannuchak, P.S.-
Ghogha, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-12-2022 Let the defect(s), as pointed out by the office, be removed
within a period of four weeks from today.

Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in connection with Dhoraiya P.S.
Case No. 107/2022 registered for the offences punishable under
Sections 394 and 411 of the Indian Penal Code.

As per prosecution case, it is alleged that the informant
was returning home from brick furnace and in the way three persons
on a motorcycle chased the informant and stopped him. It is further
alleged that all the accused persons assaulted the informant and
snatched Rs.15,000/- from the pocket of the informant. It is further
alleged that the informant called the police and two persons were
apprehended by the police. The petitioner is one of them who has
apprehended on spot and it is alleged that Rs.15,000/- has been
recovered from the possession of the petitioner. It is further alleged



that another accused Raja Kumar fled away from the place of occurrence.

Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is languishing in custody since 30.05.2022. The petitioner bears one criminal antecedent bearing Dhoriya P.S. Case No. 106/2022 apart from the present case in which present petitioner is seeking bail as same is mentioned in para 3 of the bail petition and both the FIR in Dhoriya P.S. Case No. 106/2022 and Dhoriya P.S. Case No. 107/2022 are arising from same occurrence and the petitioner is already on bail in Dhoriya P.S. Case No. 106/2022. The petitioner was a passerby and while coming back to his house from Banka with regard to purchase of agricultural related articles and parts of tractor and in the way he was apprehended by the police. He further submits that the petitioner has nothing to do with the alleged occurrence and the said recovered amount of Rs.15,000/- belongs to the petitioner. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking



into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Banka, District-Banka in connection with Dhoraiya P.S. Case No. 107/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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