

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.52674 of 2022**

Arising Out of PS. Case No.-552 Year-2019 Thana- BEGUSARAI MUFFASIL District-  
Begusarai

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SHUBHAM KUMAR @ KHAKHRA S/o Raushan Singh Resident of  
Village- Sihma Uttarwari Tola, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr. Lalan Kumar, A.P.P

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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  
  
Begusarai Muffasil P.S. Case No. 552 of 2019 registered for the  
  
offences punishable under Sections 392 of the Indian Penal  
  
Code.

As per prosecution case, three unknown persons  
  
came on a motorcycle and surrounded the informant's son. It is  
  
further alleged that the miscreants started abusing and assaulting  
  
the informant's son and pushed him from his motorcycle and on  
  
the point of pistol they snatched the mobile and motorcycle of



the informant's son.

Learned counsel for the petitioner submits that the petitioner was remanded in this case from Town P.S. Case No. 746 of 2021 and he is in custody since 07.04.2022. Petitioner bears six criminal antecedents out of which he is on bail in three cases and in three cases F.I.R. has been lodged against unknown. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. The name of present petitioner has been transpired in this case on the basis of confessional statement of co-accused Sanjay Kumar @ Bhoku as mentioned in para 8 of the bail petition and confessional statement has no evidentiary value in the eyes of law. Except confessional statement there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No T.I.P. has been conducted till today. Nothing has been recovered from the conscious possession of the petitioner. Petitioner is innocent and has falsely been implicated in this case and has committed no offence as alleged in the F.I.R. Learned counsel further submits that co-accused Sujay Kumar alias Bholu Kumar has already been granted bail vide Cr. Misc. No. 28035 of 2021 by a co-ordinate bench of this court and the case of present petitioner



stands more or less on similar footing.

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

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides, nothing has been recovered from the conscious possession of the petitioner as submitted, co-accused Sujay Kumar has already been granted bail by co-ordinate bench of this Court and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1<sup>st</sup> Class, Begusarai in connection with Begusarai Muffasil P.S. Case No. 552 of 2019, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) If petitioner violates any of the conditions, the learned trial court is at liberty to cancel the bail bond of the petitioner.

**(Alok Kumar Pandey, J)**

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