

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64090 of 2021

Arising Out of PS. Case No.-205 Year-2021 Thana- MANSI District- Khagaria

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Banshraj Kumar Son of Sanjay Kumar Singh @ Sanjay Kumar Resident of
Village - Amni, P.S.- Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Ms. Pronoti Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioner 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.

Petitioner seeks bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code and later on under Section 395 and 412 of the Indian Penal Code has been added.

According to prosecution case, the informant Nitesh Kumar sah has given his written complaint to the S.H.O. Mansi police station alleging therein that on 18.07.2021 in the night four unknown persons entered into his house over through his wall and all the said persons on the point of arms 800 gms. Silver amounting to Rs.40,000/- and 110 gms. Gold amounting



to Rs. 5 lacs and cash amounting to Rs.25,000/- has been looted and they also taken away to mobiles from there.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of self statement of co-accused namely Shravan Kumar. He further submits that nothing has been recovered from the conscious possession of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bhawesh Yadav has been granted bail by a co-ordinate Bench of this Court vide order dated 01.04.2022 passed in Cr. Misc. No. 63173 of 2021. The petitioner is in custody since 27.07.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Mansi P.S. Case No. 205 of 2021, 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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