

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55043 of 2022

Arising Out of PS. Case No.-362 Year-2017 Thana- DARIGAON District- Rohtas

Kabindra Kohar @ Kavindra Kohar Son Of Late Parikhan Kohar R/O
Village- Bhabua Ward No. 1, P.S.- Bhabua, Distt.- Kaimur At Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 16-12-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Tribhuwan Narayan, learned counsel for
the petitioner and learned Additional Public Prosecutor for the
State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Sasaram (Darigaon) P.S Case No. 362 of 2017 for the
offences punishable under Sections 392 of the Indian Penal
Code.

As per the prosecution case, it is alleged that on
23.03.2017, while the informant, who happens to be driver of
the truck departed from Chandauli with another truck, in the
meantime, four unknown persons came with country made
pistol and on the point of pistol snatched away Rs. 30,000/- and



mobile phone of the informant. It is also alleged that they also snatched Rs. 18,000/- from the driver of another truck.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants however, during the course of investigation, the name of the petitioner surfaced on the confessional statement of Mahabir Yadav and save and except confessional statement there is no material justifying the complicity of the petitioner. He further submits that petitioner is neither put on TIP nor any incriminating material has been recovered and moreover, the person on whose confession, the name of the petitioner has transpired has already been allowed bail in Cr. Misc. No.8070 of 2018 vide order dated 09.02.2018. He last submits that in fact the name of the petitioner has been implicated in 19 other criminal cases and all these cases are instituted against unknown persons, which shows the high handedness of the local police and the petitioner is in custody since 07.09.2021.

On the other hand, learned counsel for the State vehemently opposed the bail application and submits that petitioner is found involved in 19 other criminal cases.

Regard being had to the submission made on behalf of the parties and considering the fact that name of the petitioner



has transpired on the confessional statement of co-accused persons, who have already allowed the privilege of bail and there is nothing against the petitioner. Mere criminal antecedent of a person cannot be a ground to keep behind the bar for an indefinite period, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Rohtas at Sasaram in connection with Sasaram (Darigaon) P.S Case no. 362 of 2017 subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 cancelling 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.

(Harish Kumar, J)

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