

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65972 of 2021

Arising Out of PS. Case No.-801 Year-2020 Thana- MADHEPURA District- Madhepura

Prabhakar Kumar S/o Late Ramesh Yadav R/o village- Tulsibari Laxminia,
P.S.- Madhepura, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State in virtual court proceedings.

Petitioner seeks bail in a case registered for the offences punishable under Section 392 of the Indian Penal Code.

As per prosecution case, in brief, the informant, on 20.10.2020 at about 1:00 PM after collecting money of Rs.52,990/- of Ashirvad Group was going to Betauna from Sakarpura, three miscreants riding on a motorcycle came and on gun point looted the collected money, mobila, ATM card and other articles from the informant and fled away on HF Delux



motorcycle.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. and he has been falsely implicated in the present case only on the basis of self confessional statement of the petitioner. He further submits that the nothing has been recovered from the conscious possession of the petitioner and till date no test identification parade has been conducted by the prosecution and the petitioner is in custody since 06.07.2021..

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries eight more cases other than the present one.

Considering the facts and circumstances of the case, 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 Court below where the case is pending in connection with Madhepura (Bharrahi O.P.) P.S. Case No. 801 of 2020, with 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 witness, 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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