

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66637 of 2021

Arising Out of PS. Case No.-651 Year-2020 Thana- SUPAUL District- Supaul

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Avinash Kumar @ Vivek Son of Shambhu Yadav Resident of Village - Bara,
Ward No.- 11, P.S.- Supaul, District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No.1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-04-2022 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 Sections 392 and 411 of the Indian Penal

According to prosecution case, the informant got message on 16.09.2020 from his younger daughter that his elder daughter was seriously ill and admitted at Max Hospital, Line Bazar Purnea in ICU. On getting aforesaid information the informant proceeded towards his native house on his company's motorcycle which is situated at Parsarma. On the way near



Karnpur and Malahni near a tree three unknown persons came on a red colour motorcycle, forced him to stop his bike. It was further alleged that two persons came down from the motorcycle and snatched from the informant Rs.2000/- cash from purse, BOI ATM Card, Samsung Galaxy mobile and other articles alongwith motorcycle and fled away.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Niraj 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 similarly situated, co-accused, namely, Niraj Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 06.04.2021 passed in Cr. Misc. No. 31583 of 2021 and another co-accused namely Shravan Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 25.11.2021 passed in Cr. Misc. No. 50019 of 2019. The petitioner is in custody since 27.03.2021.

The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one.

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 Supaul P.S. Case No. 651 of 2020, 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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