

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66792 of 2021**

Arising Out of PS. Case No.-314 Year-2018 Thana- BALIYA District- Begusarai

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KUNDAN KUMAR Son of Late Hari Sah Resident of Village - Fauzdari
Bazar, P.S.- Kasim Bazar, District - Munger, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Suman Kumar Mishra

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

4 20-09-2022 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 in virtual court proceeding.

The petitioner seeks bail in connection with Ballia
P.S. Case No. 314 of 2018 registered for the offences punishable
under Section 392, 411 of the Indian Penal Code.

As per prosecution case, the informant was
returning to his work place, in the way he was stopped by three
to four unknown miscreants and on gun point the miscreants
looted one golden pendent, Rs.33,550/- in cash and two mobile
phones from the informant and thereafter the miscreants fled
away.

Learned counsel for the petitioner submits that



petitioner is in custody since 01.09.2021 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that name of petitioner has been surfaced in this case in para no. 68 of the case diary, as mentioned in the impugned order.

The learned A.P.P. for the State vehemently opposes the prayer for bail by submitting that looted mobile has been used by the petitioner.

Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the materials available on record, **if the trial is not concluded within six months from the date of receipt/production of copy of the order**, 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 C.J.M, Begusarai in connection with Ballia P.S. Case No. 314 of 2018, 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.

(Alok Kumar Pandey, J)

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