

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70367 of 2021

Arising Out of PS. Case No.-157 Year-2019 Thana- CHERIYA BARIYARPUR District-
Begusarai

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RUPESH KUMAR Son of Rabindra Nath Sharma Resident of Village-
Akopur, P.S.- Cheria Bariarpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sada Nand Roy
For the Opposite Party/s : Mr.Nitya Nand Tiwary

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 28-09-2022 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.

The petitioner seeks bail in connection with

Cheria Bariarpur P.S. Case No. 157 of 2019 registered for the

offences punishable under Section 392 of the Indian Penal

Code and later on chargesheet has submitted under Sections

392 and 411 of the Indian Penal Code.

As per prosecution case, bag containing Rs.



1,20,000/-, Tab and Biometric Machine have been taken away from dicky of informant's motorcycle.

Learned counsel for the petitioner submits that petitioner is in custody since 09.01.2020. Petitioner bears criminal antecedent of two cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that bail of petitioner has been rejected by this Hon'ble Court vide Cr. Misc. No. 20954 of 2020 on 25.06.2020 and again it was rejected vide Cr. Misc. No. 4836 of 2021 on 17.03.2021. Charge has already been framed and no prosecution witness has been turned up before the court below. There is nothing on record to indicate that the delay of trial is attributable to the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Trial court report indicates that after framing of charge the same is pending on the evidence and the report does not indicate that any of the single witness has been examined as yet.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in



the case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 of Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 157 of 2019, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall



continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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