

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71272 of 2021**

Arising Out of PS. Case No.-169 Year-2020 Thana- SONEPUR District- Saran

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Karan Kumar @ Sushant Tiwari S/o Chandrakant Tiwari Resident of Village-
Ismailchak, P.S.- Sonapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Saket Anand

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 10-05-2022 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 Section 392 of the Indian Penal Code.

According to prosecution case, the informant namely, Subash Kumar Giri on 24.02.2020 when he was returning home, then around Semara village chowk the four accused persons came on two motorcycle, one of which is white in colour. He further stated that accused persons were 22-23 years old and 17-18 years old and they over take the motorcycle of the informant



and one of the co-accused person took out the keys of the bike of the informant, then informant threw the keys in bushes and then the accused person took out revolver and threaten to kill him if he doesn't give his belongings, the other accused persons took gold chain, gold ring, Rs.35,785/- from purse, PAN Card, Aadhar Card, Voter ID Card, Driving License, ATM Card, Credit Card, Post Bank Card, Green Card and also mobile phone.

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 Deepak Rai. 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 the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.06.2021.

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 Sonapur P.S. Case No. 169 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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