

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72103 of 2021**

Arising Out of PS. Case No.-86 Year-2021 Thana- MADHEPURA District- Madhepura

Jiwan Ram @ Jiwan Prakash Son of Ravindra Ram Resident of Village -
Piprahi, Ward no.06, P.S.- Ghiladh, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav
For the Opposite Party/s : Mr.Choubey Jawahar

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

2 06-05-2022 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 Sumit Kumar at present working as Sangam Manager in Bharat Finance Invluja Ltd. and residing in the house of Deepak Kumar near the H.P. Petrol pump. On 03.02.2021 he went to Arraha Mahuwa for collection and after meeting went towards Madhepura on his motorcycle at Sabaila his colleague Neeraj



Kumar joined him on his way to Madhepura on his own motorcycle. The informant further stated that when he reached the near Mithai Railway crossing by moving ahead from his colleague Neeraj Kumar and started waiting in front of Kamleshwari Yadav market then three unknown persons come through riding upon their motorcycle and they showing the weapons and snatched Rs.76000/-, Samsung Tablet and one Biometric Device kept inside cash bag 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. He further submits that in fact the petitioner was in custody in Madhepura P.S. Case No. 235 of 2021 and the police has recorded the statement of the petitioner and thereafter the petitioner has remanded in the present case on 21.08.2021. 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 21.08.2021.



The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent 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 Madhepura P.S. Case No. 86 of 2021, 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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