

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72530 of 2021

Arising Out of PS. Case No.-349 Year-2020 Thana- TRIVENIGANJ District- Supaul

Kaushal Kumar, S/o Birendra Kumar Bimal, Resident of Village - Daprakha,
P.S. - Triveniganj, District - Supaul.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Triveniganj P.S. Case No. 349 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code. He is in custody in the present case since 08.07.2021. The petitioner has got two criminal antecedents.

Learned counsel for the petitioner submits that as per the prosecution story, some unknown persons looted away the bag of the informant on the point of pistol in which Rs.2,50,600/- cash and other articles were kept.

Learned counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from the possession of the petitioner and till date no test identification parade has been conducted. It is submitted that the petitioner is in custody in connection with this case since 08.07.2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused, no incriminating material has been recovered from possession of the petitioner, he has not been put on test identification parade even though he is in custody since 08.07.2021, the co-accused Vivek Kumar has been granted bail by this Court in Cr. Misc. No. 44595 of 2021, the presence of the petitioner may also be secured in course of trial, therefore, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Supaul in connection with Triveniganj P.S. Case No. 349 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.



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 steps 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: the ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during pandemic period all concerned shall act on the basis of the copy of the order uploaded on the high court website under the heading 'judicial orders passed during the pandemic period'.

