

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.360 of 2022

Arising Out of PS. Case No.-157 Year-2021 Thana- KONCH District- Gaya

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BIRENDRA PRASAD, Son of Ramavtar Singh, Resident of Village -
Balabigha, P.S. - Panchanpur (Tekari), District - Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha, Advocate

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

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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 Konch P.S. Case No. 157 of 2021 registered for
the offences punishable under Sections 385, 386, 387, 504, 506
and 34 of the Indian Penal Code and Section 27 of the Arms
Act. He is in custody since 23.08.2021. The petitioner has got
two criminal antecedents.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant was allotted work from the
Road Construction Department under Tekari Division, Gaya



for Gaya-Goh SH (Parallel to Morhar Canal) through Maldah Bigha Seeta to Khaira SH in which the construction work was going on where six miscreants on three motorcycles came and got the work stopped by making firing in air and snatched Rs. 25,000/- from Munshi and mobiles were snatched from the driver and khalashi of JCB Machine and also threat was issued.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the F.I.R. is against unknown and the petitioner is in custody in connection with this case since 23.08.2021 but he has not been put on Test Identification Parade and there is no identification of the petitioner in the alleged occurrence.

Mr. Akhileshwar Dayal, 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 F.I.R. is against unknown and the petitioner is in custody in connection with this case since 23.08.2021 but he has not been put on Test Identification Parade and there is no identification of the petitioner in the alleged occurrence, the petitioner has got two criminal antecedents in which he is on bail, his presence may be



secured in course of trial, hence 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 Sri Kumar Prabhakar, learned Judicial Magistrate 1st Class, Gaya in connection with Konch P.S. Case No. 157 of 2021, 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.

(Rajeev Ranjan Prasad, J)

vats/-

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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'.

