

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4011 of 2023

Arising Out of PS. Case No.-229 Year-2022 Thana- DUMRAO District- Buxar

Kundan Kumar S/O Vinod Roy @ Binod Kumar Ray Resident of village-
Chilhari, P.S.- Dumraon (Naya Bhojpur), District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
21.07.2022 in connection with Dumraon P.S. Case No. 229 of
2022, F.I.R. dated 30.05.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, in brief, is that one
Dipak Kumar informant gave a written statement and stating
therein that on 30.05.2022 at 11.00 A.M. when he was going to
Buxar from Aunt's house, in the meantime three men came with
a brown Apache behind Dumraon and stopped the informant
and on point of weapons they snatched the gold chain from the
neck of the informant.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case merely on the basis of suspicion. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of suspicion and thereafter self confessional statement of the petitioner. 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 and the petitioner is in judicial custody since 21.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances, petitioner is not named in the F.I.R. and the name of the petitioner has been transpired only on the basis of suspicion, 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 Judicial Magistrate, 1st Class, Buxar in connection with Dumraon P.S. Case No. 229 of 2022, 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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