

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12231 of 2023**

Arising Out of PS. Case No.-92 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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NAND KISHOR KUMAR @ NATRAJ S/O KANTI YADAV R/v- Naya tola
jurabganj, P.S.- Kora, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Kanchan Kumari, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

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

3 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
07.08.2021, in connection with Bhagalpur Kotwali P.S. Case
No. 92 of 2021, F.I.R. dated 08.02.2021 registered for the
offences punishable under Sections 392 of the Indian Penal
Code.

The F.I.R. of the occurrence of loot is against
unknown.

Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the
present case. He further submits that the petitioner is not named
in the F.I.R. and the name of the petitioner has been transpired



during investigation on the basis of statement recorded in Nawgachia P.C. Case No. 264 of 2021 and thereafter the petitioner has been implicated in the present case. He further submits that nothing has been recovered and till date no test identification was conducted by the prosecution and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 07.08.2021. Learned counsel for the petitioner further submits that the petitioner carries five more cases other than the present one but on instruction he submits that the petitioner out of five cases the petitioner is on bail in four case.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM VII, Bhagalpur in connection with Bhagalpur Kotwali P.S. Case No. 92 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 witness, 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 antecedents, 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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