

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5383 of 2023

Arising Out of PS. Case No.-16 Year-2022 Thana- AWTARNAGAR District- Saran

RAJU KUMAR Son of Lal Babu Mahto R/v- Jagdishpur, P.S.- Doriganj,
District- Saran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
12.09.2022 in connection with Awatarnagar P.S. Case No. 16 of
2022, F.I.R. dated 23.01.2022 for the offences punishable under
Section 393 of the Indian Penal Code.

According to prosecution case, on the basis of written
report of the informant Ujjawal Prasad Nirala alleging therein
that on 21.01.2022 at about 11:00 A.M. two miscreants entered
in the CSP of informant and terrorized him and made a demand
of ransom on the point of weapon. On protest and shouts of the
informant, the miscreants fled away with motorcycle firing in
air.

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 during investigation on the basis that the petitioner arrested in Doriganj P.S. Case No. 219 of 2022 and the statement of the petitioner was recorded and petitioner has been implicated in the present case on the basis of the statement which was recorded in Doriganj P.S. Case No. 219 of 2022. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date not TIP has been conducted by the prosecution and the case as mentioned in Para-3 of the bail petition that petitioner has been remanded in all the cases after Doriganj P.S. Case No. 219 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 12.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one but fairly submits that petitioner is on bail in three cases.

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 Chief Judicial Magistrate, Saran at Chapra in connection with Awtarnagar P.S. Case No. 16 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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