

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8856 of 2023

Arising Out of PS. Case No.-453 Year-2022 Thana- FORBESGANJ District- Araria

Kishor Kumar Mehta S/o Hari Narayan Mehta R/o Tehri Mushari, P.S.-
Forbesganj, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
15.09.2022 in connection with Forbesganj P.S. Case No. 453 of
2022, F.I.R. dated 28.04.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, four miscreants on
three motorcycles surrounded the informant and his colleague
and threatened them on gun point, snatched Rs. 1,35,966/- apart
from mobile phone and other articles.

Learned counsel for the petitioner submits that



petitioner has falsely been 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 the self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Niraj Kumar Yadav @ Niraj Yadav @ Niraj Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 03.05.2023 passed in Cr. Misc. No. 6828 of 2023. The petitioner is in custody since 15.09.2022.

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

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, Araria in connection with Forbesganj P.S.

Case No. 453 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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