

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10377 of 2023

Arising Out of PS. Case No.-82 Year-2018 Thana- SHANKARPUR District- Madhepura

Abhimanyu Kumar @ Chhotu Kumar S/O Ramanand Yadav R/v- Tituwaha,
P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-05-2023 Heard Mr. Kumar Praveen, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody since 18.05.2022 in connection with Shankarpur P.S. Case No. 82 of 2018, registered for the offences punishable under Sections 392, 411, 414 of the Indian Penal Code and Sections 27(1-b)a, 26, 35 of the Arms Act.

It is alleged that on 05.07.2018 when one Yogendra Yadav was on his motorcycle, in the meantime, some motorcycle borne criminals intercepted him and snatched his motorcycle and fled away. However, on receipt of the information about snatching, steps were taken by the police and one Vivek Kumar was apprehended, however, two of the accused persons were managed to flee away.

Submission has been made on behalf of the petitioner



that the petitioner was neither apprehended on the spot nor the motorcycle in question, which is said to have been snatched, was recovered from his possession. Further submission has been made that name of the petitioner has been disclosed by the apprehended co-accused and the said co-accused has already been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 56886 of 2018 vide order dated 04.10.2018. Further, another co-accused person whose name has been disclosed by co-accused Vivek Kumar, he has also been allowed privilege of bail by learned Co-ordinate Bench of this Court in Cr. Misc. No. 17429 of 2021 vide order dated 27.08.2021. The copies of both the orders have been brought on record by way of Annexure 2 and 3 to the petition.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is named in eight other criminal cases and he appears to be an habitual offender, apart from that fact that the FIR was instituted way back in the year 2018 and the petitioner was named therein, but he remained absconded for such a long period.

Regard being had to the submissions made on behalf of the parties and considering the fact that other co-accused



persons including the person who was apprehended at the spot have been allowed privilege of bail and as per the submission made on behalf of the petitioner that charge-sheet has already been submitted and the petitioner is ready to give undertaking that he will fully cooperate in the trial, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Madhepura, in connection with Shankarpur P.S. Case No. 82 of 2018, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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