

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17730 of 2023**

Arising Out of PS. Case No.-2 Year-2022 Thana- KURSAILA District- Katihar

SANTOSH KUMAR S/O Surji Mandal @ Surya Narayan Mandal R/O
Village- Bhimdas Tola (Tintanga), P.S- Rangara, District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mandal, Advocate
For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

5 22-08-2023 Heard the parties.

The petitioner is an accused in connection with Kursela P.S. Case No. 02 of 2022 registered for the offences under section 392 of the Indian Penal Code lodged on 01.01.2022 by the informant, Roushan Kumar.

As per the prosecution story, while returning home from the shop, the informant was intercepted by the accused persons on two motorcycles and relieved him of Rs. 1,000/- as also the mobile phone. Accordingly, the FIR.

It is the case of the petitioner that his name has come in the confessional statement of Rohit Kumar, there is delayed FIR inasmuch as the occurrence took place on 24.12.2021 while the FIR came to be lodged on 01.01.2022, he is in custody since 23.08.2022 (as stated in paragraph 1 of the bail application) and



do not have criminal antecedent. His last submission is that Rohit Kumar has since been granted bail by a co-ordinate bench in Cr. Misc. No. 3270 of 2023 on 04.04.2023.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the fact that there has been delay in the lodging of the FIR, his name has come in the confessional statement of Rohit Kumar who has since been granted bail, as stated above as also his period of custody (23.08.2022), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Kursela P.S. Case No. 02 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;



(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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