

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12854 of 2023

In
CRIMINAL MISCELLANEOUS No.46761 of 2022

Arising Out of PS. Case No.-289 Year-2022 Thana- NATHNAGAR District- Bhagalpur

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Aman Kumar, Son of Late Naresh Prasad Yadav, Resident of Village –
Raghopur Tikar, P.S. - Madhusudanpur (Nathnagar), District – Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Davendra Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-03-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The present application has been filed for
modification of the order dated 23.12.2022 passed in Cr. Misc.
No. 46761 of 2022, wherein while granting bail to the petitioner
a condition was imposed which reads as under:-

“If, it is found that any recovery has been
made at the instance of the petitioner, the
bail bond of the petitioner will not be
accepted.”

Learned counsel for the petitioner submits that from
paragraph 17 of the case diary, it is apparent that the co-accused



Vikash Kumar, in his confessional statement, has named the place from where the recovery was, later on, made. Subsequently, the statement of the petitioner was recorded as is evident from paragraph 20 of the case diary. Thereafter, in paragraph 23 of the case diary it has been mentioned that at the instance of the petitioner and co-accused recovery has been made from an identified place of the stolen articles and the seizure list has been reproduced in paragraph 24 of the case diary. Learned counsel further submits that it is evident from paragraphs 17, 20 and 23 of the case diary that recovery cannot be made at the instance of the petitioner. However, learned trial court refused to accept the bail bond on the ground that the recovery has been made from the petitioner, which is not the fact.

I find merit in the submission of the learned counsel for the petitioner and to clear the confusion the condition “if the recovery has been made at the instance of the petitioner, the bail bond of the petitioner will not be accepted” is deleted from the order dated 23.12.2022 passed in Cr. Misc. No. 46761 of 2022.

In such view of the matter, the order dated 23.12.2022 is modified to the extent indicated above.



Accordingly, this application stands disposed of.

(Arun Kumar Jha, J)

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