

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13876 of 2023

Arising Out of PS. Case No.-310 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Aman Kumar S/O Dilip Kumar Yadav R/O Village- Nayatola, P.S-
Naugachia, District- Bhagalpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 11-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
05.11.2022, in connection with Naugachia P.S. Case No. 310 of
2022, F.I.R. dated 14.10.2022 registered for the offences
punishable under Section 392 of the Indian Penal Code.

The prosecution case, in short, is that on 13.10.2022
at about 21:00 the informant parked his Hywa in front of Bank
of India Office for servicing and he slept there in the night
because the shop was closed. On the next day at about 02:00
hours 3-4 unknown persons came near the Hywa and two of
them entered into the cabin of Hywa. It is further alleged that
miscreants aimed firearm against the informant and Khalasi of
Hywa and snatched Rs. 50,000/- and silver chain of the
informant and the miscreants also looted of Rs. 23,000/- and



Screen Touch Mobile phone of Samsung brand from the other vehicle which was parked ahead of the said Hywa.

Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely 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 only on the basis of confessional statement of co-accused person namely Chotu. He further submits that nothing incriminating article has been recovered from the conscious possession of the petitioner and till date no test identification parade was conducted by the prosecution and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 05.11.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate 1st Class, Naugachia



District- Bhagalpur in connection with Naugachia P.S. Case No. 310 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 witness, 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 antecedents, 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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