

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15715 of 2023

Arising Out of PS. Case No.-420 Year-2022 Thana- PATLIPUTRA District- Patna

Suraj Kumar @ Nakchipta Son of Late Jogendra Kumar R/o Radaulichak
(Samastipur) P.s- Samastipur Dist- Samastipur. At present r/o Gosai Tola,
Kutti Machine Gali C/o Badri Roy P.S and P.O Patliputra Dist- patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madan Mohan, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.07.2022 in connection with Patliputra P.S. Case No. 420 of
2022, F.I.R. dated 15.07.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, as per fardbeyan of the
informant namely, Birbhay Kumar stating therein that on
15.07.2022 at about 10:00 O'clock when the informant parked
his motorcycle at Subhas Gali, Gosai Tola for taking collection
money from the house of Sita Devi, the informant returned to
his motorcycle and the informant was having a black colored
bag of Bandhan Bank containing Rs.10,000/- of collection



money, Tablet Samsung Company, Morpho. In the meantime, when the informant started his motorcycle, suddenly two boys came to the informant and one of the boy kept a pistol near the shoulder of informant and told to the informant to keep quite and to give the alleged bag. After that the second boy snatched the said bag of the informant and fled away to the north direction and the other boy fled away to the west direction of the place of occurrence.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submit that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused namely, Manish Kumar. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from the co-accused person and petitioner has no concern at all with the alleged recovery or the co-accused person. He further submits that similarly situated, co-accused, namely, Sanjay Kumar @ Natwa has been granted bail by a co-ordinate Bench of this Court vide order dated 04.05.2023 passed in Cr. Misc. No. 73965 of 2022. He further submits that the



police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 27.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

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 Sub-Judge-X, Patna in connection with Patliputra P.S. Case No. 420 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)

mdrashid/-

U		T	
---	--	---	--

