

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16447 of 2023**

Arising Out of PS. Case No.-90 Year-2021 Thana- MADHEPURA District- Madhepura

Bandhan Kumar @ Ranjan Kumar @ Ranjan S/O Sri Janardan Yadav
Resident Of Village- Itahara, Ps- Saur Bajar District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 31-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 05.10.2021 in connection with Madhepura P.S. Case No. 90 of 2021, F.I.R. dated 04.02.2021 for the offences punishable under Section 392 of the Indian Penal Code.

3. According to prosecution case, the occurrence alleged to have been taken place on 04.02.2021 at about 08:30 P.M. in the night, when the informant was coming to Sahugarh (Bhagwanpur) from Saharsa then in the way near west canal from Mathai ailway crossing three unknown criminals riding on a black colour Apache motor-cycle overtook the informant, stopped him and snatched a Samsung screen touch mobile and Splendor plus black motorcycle from the informant on the point



of pistol.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and his name has been transpired on the basis of suspicion. Thereafter, the petitioner confessed his guilt in the present occurrence. He further submits that nothing has been recovered from the conscious possession of the petitioner who was arrested in Shankarpur P.S. Case No. 107 of 2021 and was remanded in the present case on 05.10.2021 on the basis of his confession. He further submits that except the confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner.

5. Learned counsel for the petitioner further submits that petitioner carries 22 criminal cases other than the present one and out of 22 cases petitioner is on bail in 19 cases.

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



7. 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 Chief Judicial Magistrate, Madhepura in connection with Madhepura P.S. Case No. 90 of 2021, subject to the following conditions:-

1. Learned Trial Court is directed to verify the genuineness whether the petitioner is on bail in 19 cases out of 22 cases which are mentioned in para-3 of the bail petition and if the petitioner is not on bail in 19 cases, the bail bond of the petitioner should not be accepted by the learned trial court.

2. 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.

3. 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.



4. 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)

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