

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19573 of 2023

Arising Out of PS. Case No.-188 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

Anil Kumar, Gender-Male, Aged about 30 years, Son of Nagendra Prasad,
Village- Alineura, P.S.- Minapur Dist- Muzaffarpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Raju Kumar, Advocate

For the Opposite Party : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Siwaipatti P.S. Case No. 188 of 2022 dated 27.09.2022, instituted for the offence punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, on 26.09.2022, at 03:30 pm, three miscreants came by a motorcycle and intercepted the informant and his colleague, namely, Anmol Kumar and snatched purses, bags and 40,000/- Rs. along with 14 new handsets on gun point and then fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is not named in



the F.I.R. and during the course of investigation, the name of the petitioner transpires in this case. It is also submitted that neither any incriminating articles nor any looted articles have been recovered from the conscious possession of the petitioner. Till date, no *Test Identification Parade (T.I.P.)* has been conducted. Lastly, it has been submitted that the petitioner is in custody since 03.01.2023, charge-sheet has been submitted in the case and he has three criminal cases against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate-East, Muzaffarpur in Siwaipatti P.S. Case No. 188 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) One of the bailors will be his own blood



relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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