

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21685 of 2023

Arising Out of PS. Case No.-518 Year-2022 Thana- BARUN District- Aurangabad

Prabhu Sharma @ Prabhu Kumar, Gender- Male, aged about 20 years, son of Ramanuj Sharma, resident of village- Pipara, P.S.- Jamhore, District. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Barun PS Case No.518 of 2022 dated 01.12.2022, instituted for the offence punishable under Sections 392 of the Indian Penal Code.

3. The prosecution case, in short, is that on the date of occurrence the petitioner was returning home from his duty by motorcycle and when he reached near Mangariya village at about 6.00 PM, two persons came on Pulsar motorcycle and pointed pistol on him and took out rupees six hundred cash from his pocket as well as his mobile. On the next day, the informant went to the place of occurrence and came to know that his



mobile and cash has been looted by the petitioner and another unknown person.

4. Learned counsel for the petitioner submitted that only on the basis of suspicion the petitioner has been implicated in this case. Learned counsel further submitted that as per the FIR itself the informant does not recognize the petitioner. He has given his name in the instant case as told by someone, who was not an eye witness to the occurrence. Learned counsel further submitted that petitioner is in custody since 03.12.2022. Charge-sheet has been submitted in the case and two cases are pending against him.

5. Learned APP has opposed the prayer for bail.

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 Chief Judicial Magistrate, Aurangabad, in Barun PS Case No.518 of 2022, subject to the conditions (i) that the 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, (ii) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that 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, and (iv) that 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)

J. Alam/-

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

