

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21552 of 2022**

Arising Out of PS. Case No.-393 Year-2021 Thana- BELHAR District- Banka

NIWAS KUMAR SON OF CONGRESS YADAV @ KANGRESH YADAV
@ KANGRES YADAV R/O VILLAGE- KADRAGODA, P.S.- KATORIA,
DISTRICT- BANKA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 10-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Belhar
P.S. Case No. 393 of 2021 registered for the offences punishable
under Sections 392 of the Indian Penal Code.

As per prosecution case, four unknown miscreants
came on two motorcycles and asked the bag of money from the
informant on the point of pistol. When the informant denied to
give the bag of money, miscreants assaulted the petitioner by
means of butt of pistol on his head and snatched Rs. 2,46,000/-
and mobile phone from the informant.



Learned counsel for the petitioner submits that petitioner is in custody since 15.01.2022. Petitioner bears one criminal antecedent in which he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Name of present petitioner has been transpired in this case on the basis of confessional statement of co-accused Ashok Yadav. No T.I.P. has been made till today. Petitioner is innocent and has falsely been implicated in the present case and has committed no offence as alleged in the F.I.R. Learned counsel further submits that petitioner has not committed any offence of similar nature in past as mentioned in Para 3 of the bail petition.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is alleged recovery of one mobile from the possession of petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available



on record, let the petitioner above named be released on bail after framing of charge on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 393 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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