

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21365 of 2023

Arising Out of PS. Case No.-87 Year-2022 Thana- PIPRA District- Supaul

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Bhabesh Kumar Son Of Late Jagdish Yadav Resident Of Village - Padampur,
P.S. - Bihra, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 22-05-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Pipra P.S.
Case No. 87 of 2022 dated 20.03.2022 registered for the offence
punishable under Section 392 of the Indian Penal Code.

3. The prosecution case, in short, is that three unknown
miscreants riding on a bike, suddenly came and stopped the
informant and his younger brother by pointing the weapon,
assaulted them and looted away Rs 25,000/- cash, two mobile
phones and his motorcycle and fled away.

4. Learned Counsel for the petitioner submits that the
petitioner is innocent and has been falsely implicated in this
case. It is submitted that no T.I.P. has been conducted till now



and there is no recovery of the looted articles from the possession of the petitioner. It is submitted that petitioner is not named in the F.I.R. Only on the basis of suspicion and confessional statement he has been made accused in this case. Lastly, it has been submitted that the petitioner is in custody since 26.08.2022, having no criminal antecedent and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes 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 Chief Judicial Magistrate, Supaul in connection with Pipra P.S. Case No. 87 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)

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