

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21608 of 2022

Arising Out of PS. Case No.-112 Year-2021 Thana- PARASBIGHA District- Jehanabad

MUNNA KUMAR @ YASHWANT KUMAR S/o Vishwajeet Yadav @
Vishwajeet Kumar Resident of Village - Deora, P.S. - Naubatpur, District -
Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.A.G

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 S.Tr.
No. 69 of 2022/142 of 2022 arising out of Parasbigha P.S. Case
No. 112 of 2021 registered for the offences punishable under
Section 395 of the Indian Penal Code.

As per prosecution case, informant alongwith his
brother was returning from Jehanabad by his tempo and reached
near Sikaria, five miscreants riding on two motorcycles
surrounded the informant's tempo. It is further alleged that
miscreants on the point of pistol snatched the cash amount of



Rs. 4,600/- and one samsung mobile from the informant and they also snatched the cash amount of Rs. 1,100/-, SBI card and Post office card from informant's brother.

Learned counsel for the petitioner submits that petitioner is not named in the FIR. His name has been transpired in this case during the course of investigation upon the confessional statement of co-accused, Raushan Kumar @Lokesh. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of petitioner with the alleged occurrence. He further submits that petitioner is in custody since 28.07.2021 and bears criminal antecedent of three cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused Aman Kumar and Roushan Kumar @Lukesh have already been granted bail vide Cr. Misc No. 71271 of 2021 and Cr. Misc No. 64565 of 2021 respectively by co-ordinate Bench of this court and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the



criminal antecedent of the petitioner.

Considering the facts and circumstances of the case, period of custody, co-accused on similar allegation have already been granted bail, nothing has been recovered from the possession of the petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-II, Jehanabad in connection with S.Tr. No. 69 of 2022/142 of 2022 arising out of Parasbigha P.S. Case No. 112 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)

vashudha/-

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