

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28962 of 2023

Arising Out of PS. Case No.-148 Year-2021 Thana- MAHINDWARA District- Sitamarhi

MUKESH SINGH @ MUKESH KUMAR S/O LATE NAVAL KISHOR
SINGH Resident of Village- Manpur Jaua, P.O. Bhanaspatti, P.S.-
Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 05-09-2023 Heard the parties.

1. The petitioner is in custody in connection with Mahindwara P.S. Case No. 148 of 2021 for the offence under section 392 of the Indian Penal Code lodged on 08.10.2021 by the informant, Md. Waliullah.

2. As per the prosecution story, the allegation is that when the informant proceeded on his motorcycle with collection of money amounting to Rs. 15,000/- alongwith his employee, the accused persons covering their face, intercepted and on the point of pistol, took away Rs. 15,000/-, the gazettes as also the mobile. Accordingly the FIR.

3. Subsequently during the investigation, the name of the petitioner cropped up and learned APP has taken this Court



to the learned Session Judge observation in which it has been incorporated that mobile was recovered from his possession.

4. Learned counsel for the petitioner submits that though he is in custody since 20.12.2022 (as stated in paragraph 15 of the petition), no Test Identification has been conducted and he has suffered a lot.

5. Learned APP opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties, his period of custody i.e. 20.12.2022, this Court is inclined to extend him the privilege of bail after framing of the charges in view of the fact that he has criminal antecedent.

7. Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi, in connection with Mahindwara P.S. Case No. 148 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive



dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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