

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21728 of 2023

Arising Out of PS. Case No.-40 Year-2022 Thana- KASBA District- Purnia

Mitthu Sharma @ Manish Kumar Sharma @ Mitthu Kumar Sharma, aged about 26 years, Male, Son Of Sri Dilip Kumar Sharma Resident Of Village- Khushki Bagh, Chouhan Tola, P.S.-Sadar, District-Purnea

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Advocate

For the Opposite Party/s : Mr. Dr. Indiar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Kasba P.S. Case No. 40 of 2022 dated 14.02.2022, instituted for the offences punishable under Section 394 of the Indian Penal Code.

3. The prosecution case, in short, is that on 14.02.2022 at about 4:05 pm, on the way to bank two miscreants with mask stopped the informant on gun point and snatched a bag containing cash of Rs. 7,89,000/- and cheque of Rs. 2 lacs along with voter card, Aadhaar Card and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the petitioner's name came in the confessional statement of the co-accused namely, Karan



Chouhan @ Bablu Chouhan and only on that basis he has been implicated in this case. Learned counsel for the petitioner further submits that co-accused, Karan Chouhan, has been granted bail by order dated 14.02.2023 passed in Criminal Miscellaneous No. 34877 of 2022 by a Co-ordinate Bench of this Court. It is also submitted that another accused has also been granted bail by a Co-ordinate Bench of this court by order dated 07.04.2023 passed in Criminal Miscellaneous No. 4717 of 2023. Learned counsel further submitted that the petitioner has been made accused only on the basis of confessional statement of co-accused and his prayer was rejected only on the basis of his antecedents. Lastly, it has been submitted that the petitioner is in custody since 03.03.2022 and charge-sheet has been submitted in the case. Three cases are pending against the petitioner.

5. Learned A.P.P. has opposed 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,



Purnea in connection with Kasba P.S. Case No. 40 of 2022,
subject to the following conditions:-

(i) 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) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) 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.

(iv) 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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