

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23031 of 2023

Arising Out of PS. Case No.-104 Year-2018 Thana- PALANWA District- East Champaran

Ramashankar Kumar @ Praduman Kumar Son of Dinanath Prasad R/V- Tola
Ucchi Dih, PS- Adapur, Dist- Motihari East Champaran Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Samir Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Palanwa P.S. Case No. 104 of 2018 registered
on 08.09.2018 for the alleged offences under Sections 392 of the
Indian Penal Code.

04. As per prosecution case, four miscreants stopped
the informant who was riding motorcycle and at gunpoint, they
snatched the motorcycle of the informant. The name of the
petitioner transpired during investigation as one of the accused
persons.

05. Learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case. The name of the petitioner cropped up in this case on the basis of confessional statement of co-accused Pulastya Pandey and except that nothing has come up on record against the petitioner. No recovery of any incriminating article has been made from the possession of this petitioner, who has not been put to any Test Identification Parade. At the time of alleged occurrence, the petitioner has been working in Punjab and this fact has not been verified by the police. On the basis of confessional statement, the petitioner has been made accused in two more cases. Some other co-accused persons have been granted bail by a Co-ordinate Bench of this Court vide order dated 09.05.2019 passed in Criminal Misc. No. 31067 of 2019 and order dated 23.07.2019 passed in Criminal Misc. No. 44928 of 2019. The petitioner is in custody since 13.07.2020 and charge-sheet has been submitted.

06. Learned APP for the State opposes the prayer for bail submitting that the petitioner is having criminal antecedent of two cases, which is of similar nature.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that no recovery has been shown from this petitioner and



further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIV, Motihari, East Champaran in connection with Palanwa P.S. Case No. 104 of 2018 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

Ashish/-

U		T	
---	--	---	--

