

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26920 of 2023

Arising Out of PS. Case No.-373 Year-2022 Thana- ROSERA District- Samastipur

Badal Kumar @ Badal Singh Son Of Vijay Kumar Singh Resident of village -
Ward no. 13, Pataliya, P.S. - Bibhutipur, Distt. - Samastipur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
10.01.2023 in connection with Rosera P.S. Case No. 373 of
2022, F.I.R. dated 05.11.2022 for the offences punishable under
Section 394 of the Indian Penal Code.

3. According to prosecution case, as per written report
of the informant that when the informant reached near Shiv
Mandir it is said that three to four criminals who have covered
their face and on the point of rifle they stopped him and after
assault open fire in the air by putting him down on the earth
from the bike and thereafter fled away with scooty. It is further
alleged that the accused took the Gold, Silver, cash, key, PAN
Card, ATM Card and one mobile phone.



4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of suspicion and thereafter, the petitioner has arrested and some article has been recovered from the possession of the petitioner. He further submits that petitioner and recovered articles have not put on TIP by the prosecution the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 10.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-I, Rosera in connection with Rosera P.S. Case No. 373 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 shall remain physically present as directed 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. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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