

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25404 of 2022

Arising Out of PS. Case No.-623 Year-2020 Thana- MAHUA District- Vaishali

Karmbir Kumar, male, aged about 23 years, Son of Bir Bahadur Singh
Resident of village - Khilwat, P. S.- Bidupur, District-Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Ashok Kumar Sinha, Adv.
For the State : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 02-01-2023 Heard learned counsel for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with Mahua PS Case
No. 623 of 2020, registered for the offence punishable under Section
392 of the Indian Penal Code.

Four unnamed persons on two motorcycles have allegedly
snatched the bag of the informant in which there were educational
testimonials.

Learned counsel for the petitioner submits that petitioner is
not named in the First Information Report (*for brevity* 'FIR'). There
is no allegation that the perpetrators had concealed their identity,
however, Test Identification Parade (*for brevity* 'TIP') has not been
conducted. There is no recovery of any incriminating materials from
the petitioner and his implication, in the instant case, is a sequel to
his implication in seven other cases, after he was made an accused in
Baligaon PS Case No. 146 of 2020 based on his own confessional



statement. In the instant case, he is in custody since 06-03-2021. The investigation is complete. One of the similarly situated co-accused, namely, Mithun Kumar has been granted bail by this Court vide order dated 25-02-2022 passed in Cr. Misc. No. 47500 of 2021.

Learned APP for the State has opposed the prayer for bail referring to the antecedents of the petitioner.

Considering the rival submissions, this Court would take notice of the fact that the petitioner antecedents are in respect of cases lodged against unknown persons. Without TIP or any recovery from the petitioner, he has remained in custody since 06-03-2021, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Vaishali at Hajipur, in connection with *Mahua PS Case No. 623 of 2020*, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.



This Court would expect that the petitioner’s counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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