

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.26441 of 2022**

Arising Out of PS. Case No.-393 Year-2021 Thana- BELHAR District- Banka

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PRAKASH KUMAR Son of Janardhan Yadav Resident of Village - Kadra  
Gorha, P.s.- Katoriya, Distt.- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Balram Kapri

For the Opposite Party/s : Mr.Jagdhar Prasad

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      10-01-2023                      Let the defect(s), as pointed out by the office, be  
  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Belhar  
P.S. Case No. 393 of 2021 registered for the offences punishable  
under Sections 392 of the Indian Penal Code.

As per prosecution case, four unknown miscreants  
came on two motorcycles and asked the bag of money from the  
informant on the point of pistol. When the informant denied to  
give the bag of money, miscreants assaulted the petitioner by  
means of butt of pistol on his head and snatched Rs. 2,46,000/-  
and mobile phone from the informant.

Learned counsel for the petitioner submits that



petitioner is in custody since 15.01.2022. Petitioner bears no criminal antecedent, however, learned sessions judge has wrongly mentioned in impugned order that petitioner no. 2 (Present Petitioner Prakash Kumar) bears one criminal antecedent but the same is against the Niwash Kumar not against the present petitioner. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. Name of present petitioner has been transpired in this case on the basis of confessional statement of co-accused Niwash Kumar. No T.I.P. has been made till today. Petitioner is innocent and has falsely been implicated in the present case and has committed no offence as alleged in the F.I.R. No incriminating article relating to present case has been recovered from the possession of the petitioner. However, recovery of one motorcycle from the petitioner is concerned. The same is another motorcycle which has no relation with the present case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been



submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Belhar P.S. Case No. 393 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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