

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29580 of 2023

Arising Out of PS. Case No.-408 Year-2021 Thana- MADHAURAH District- Saran

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NAGMANI SINGH SON OF UDAY NARAYAN SINGH R/O VILLAGE-
DUMARI, P.S.- KHULIRA, DISTRICT- CHHAPRA (SARAN).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey

For the Opposite Party/s : Mr.Narsingh Tanti

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-06-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Marhowrah P.S. Case No. 408/2021 registered for the offences
punishable under Section 392 of the Indian Penal Code.

As per prosecution case, Rs.2,70,000/- were looted by
the miscreants from CSP Centre of Punjab National Bank situated
at Tejpurwa and the case has been lodged against unknown.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this case.
The petitioner is not named in the FIR and the name of petitioner
transpired in this case on the basis of confessional statement of
co-accused Rajesh Singh. He further submits that except
confessional statement of co-accused, there is nothing on record



to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 21.08.2021 and bears criminal antecedent of 14 cases. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has not been put on T.I. Parade till now. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Dharmendra Tiwari on similar allegation has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. No.16911/2022 and the case of present petitioner stands on similar footing.

The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that petitioner has several criminal antecedents.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned Judicial Magistrate-1st Class, Saran (Chhapra) in connection with Marhowrah P.S. Case No. 408/2021, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(Alok Kumar Pandey, J)

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