

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27828 of 2023

Arising Out of PS. Case No.-498 Year-2022 Thana- FORBESGANJ District- Araria

SHYAM SUNDER KUMAR @ PAUWA son of Triveni Yadav resident of
village Koriyapatti, Police Station-Jadiya, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-07-2023 Heard learned counsel appearing for the petitioner
and the learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
23.08.2022 in connection with Forbesganj P.S. Case No. 498
of 2022, F.I.R. dated 09.05.2022 registered for the offence
punishable under Section 392 of IPC.

3. The FIR of the occurrence of loot is against
unknown.

4. Learned counsel appearing for the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in the present case. Petitioner is not named in the
FIR. The name of the petitioner has been transpired during
investigation on the basis of the confessional statement of co-



accused person and thereafter the self-confessional statement of the petitioner. Further submits that except the aforesaid, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and nothing has been recovered from conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 23.08.2022.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the petitioner carries eleven more cases other than the present one but fairly submits that the petitioner is on bail in all the cases, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned Chief Judicial Magistrate, Araria in connection with Forbesganj P.S. Case No. 498 of 2022, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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