

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28140 of 2023

Arising Out of PS. Case No.-38 Year-2023 Thana- MOUZAHDIPUR District- Bhagalpur

Nandlal Kumar S/O Basuki Sah R/O Village- Aliganj Gangti, P.O- Aliganj
Gagti, P.S- Mojahidpur (Babarganj), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.01.2023 in connection with Mojahidpur (Babarganj) P.S.
Case No. 38 of 2023, F.I.R. dated 27.01.2023 for the offences
punishable under Sections 392 and 411 of the Indian Penal
Code.

According to prosecution case, in brief is that on
26.01.2023 at 10:00 PM two motorcycle riders snatched a
mobile from the informant. Informant tried to catch the
motorcycle riders with the help of people of colony and in that
course the motorcycle riders became unbalance and fall down.
The driver of motorcycle rider was caught whereas the pillion
rider managed to escape. On being asked the driver of
motorcycle disclosed his name as Nandlal Kumar (petitioner)



and the name of escaped accused as Bipin Kumar The mobile of informant has been recovered from possession of petitioner and after that the petitioner was handed over to the police.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R. as well as seizure list that nothing was recovered from the conscious possession of the petitioner rather the same is handed over by the informant to the police. He further submits that the motorcycle is belong to the petitioner and the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 27.01.2023.

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.

Considering the aforesaid facts and circumstances, 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, Bhagalpur, in connection with Mojahidpur (Babarganj) P.S. Case No. 38 of 2023, 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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