

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28597 of 2023

Arising Out of PS. Case No.-27 Year-2023 Thana- UJIYARPUR District- Samastipur

BIRJU KUMAR S/O BINDU SAHNI @ VINDU SAHNI R/O Village-
Chandauli, P.S- Ujiarpur, Distt.- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lakshmindra Kumar Yadav

For the Opposite Party/s : Mr.Arvind Kumar Pandey

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
01.02.2023 in connection with Ujiarpur P.S. Case No. 27/2023,
F.I.R. dated 24.01.2023, for the offences punishable under
Sections 356, 379 and 34 of the IPC.

According to prosecution case, it is alleged that while
the informant was returning to his house from factory, four
persons came in front of his motorcycle and one person took
away his motorcycle and another three persons taken away his
mobile and cash of Rs. 1800/-.

Learned counsel for the petitioner submits that
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. His



name has been transpired during investigation on the basis of confessional statement of the co-accused, namely, Vikram Kumar. He further submits that nothing has been recovered from conscious possession or the house of the petitioner and the petitioner has no concern at all with the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 01.02.2023.

Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in that case.

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 S.D.J.M., Dalsingsarai, Samastipur in connection with Ujiarpur P.S. Case No. 27/2023, 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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