

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29340 of 2023**

Arising Out of PS. Case No.-132 Year-2019 Thana- AWTARNAGAR District- Saran

Niraj Kumar Son of Late Fagu Mahto, R/o Village- Jagdishpur, P.S.-
Doriganj, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Raj Kishor Singh, APP.

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER**

2 08-06-2023 Let the defect(s), if any, be removed within two weeks
from today.

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

3. The petitioner seeks regular bail in connection with
Awatar Nagar P.S. Case No. 132 of 2019 dated 31.07.2019,
lodged under Sections 392/34 of the Indian Penal Code.

4. As per prosecution case, the F.I.R. has been lodged
against two unknown accused persons against whom the
allegation of robbery is there.

5. Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. and his name has come in
this case by virtue of the confessional statement of the co-
accused. He further submits that neither any recovery has been

made nor he was put on T.I.P. He also submits that the accused on whose confessional statement the name of petitioner of petitioner has figured has been granted bail by the Co-ordinate Bench of this Court vide order dated 28.02.2023 passed in Cr. Misc. No.64005 of 2022. Counsel further submits that petitioner is in custody since 12.09.2022 and there are three criminal antecedent of petitioner, in two cases he is on bail and in one case is persuading for bail.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Saran at Chapra in connection with Awatar Nagar P.S. Case No. 132 of 2019, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of

his bail bond.

B. One of the bailors shall be close relative who shall file an affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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