

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30515 of 2023

Arising Out of PS. Case No.-29 Year-2022 Thana- BIBHUTIPUR District- Samastipur

BHOLA KUMAR @ SUNNY @ SUNNY KUMAR Son of Sri Sanjay Kumar
Singh @ Sanjay Singh Resident of village - Vrindawan/Brindawan, ward no.
1, P.S. - Nowkothi, Distt. - Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-07-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
25.03.2022 in connection with Bibhutipur P.S. Case
No.29/2022, dated 21.01.2022, for the offences punishable
under Sections 392 of the IPC but later on Section 392 and 411
of the IPC were also added.

3. According to prosecution case, while the informant
was coming to his home along with his associates, three
unknown miscreants are alleged to have snatched the
motorcycle other articles belonging to the informant and his
associates and fled away.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He



further submits that the petitioner is not named in the F.I.R. The name of the petitioner has been transpired on the basis of confessional statement of co-accused, namely, Suman Saurabh and Raja Kumar. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner rather the recovery has been made from other co-accused persons and till date no T.I.P conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 25.03.2022.

5. 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 has carried four criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that out of four cases, the petitioner is on bail in three cases.

6. Considering the aforesaid facts and period of custody, 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., Rosera, Samastipur in connection with Bibhutipur P.S. Case No.29/2022, G.R. No.69/2022, 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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