

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32437 of 2023

Arising Out of PS. Case No.-7 Year-2017 Thana- HATHIDAH District- Patna

Saket Kumar @ Chhotu S/O Lalan Kumar, R/O Village- Saidpur, P.S-
Gopalpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Anand, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 28-06-2023 Let the defect, if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Hathidah P.S. Case No. 07 of 2017 dated 02.02.2017 lodged
under Section 392 of the I.P.C.

As per the prosecution, the present F.I.R. has been
lodged against three unknown accused persons.

Learned counsel for the petitioner submits that
petitioner is not named in the F.I.R. and his name has figured in
this case by virtue of the confessional statement of the co-
accused. Counsel further submits that nothing incriminating has
been recovered from his possession nor he was put on T.I.P. He

further submits that the offence made against the accused person is Magisterial triable. He further submits that petitioner is in custody sine 28.08.2021 having seven criminal antecedent and in all cases, he is on bail.

Learned counsel for the State opposes the prayer for bail and submits that at the time of granting bail, the criminal antecedent of the petitioner may be taken into consideration.

Upon specific query that whether charge has been framed or not in this case, counsel fairly submits that charge has already been framed.

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 A.C.J.M., Barh in connection with Hathidah P.S. Case No. 07 of 2017, 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.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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