

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33889 of 2023

Arising Out of PS. Case No.-12 Year-2023 Thana- BIND District- Nalanda

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AMARJEET KUMAR S/O LATE SITA RAM PRASAD R/O Village-
Amawan, P.S- Bind, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-06-2023 Heard the parties.

The petitioner is in custody in connection with Bind
P.S. Case No. 12 of 2023 for the offence under Sections 392 of
the Indian Penal Code lodged on 22.01.2023 by the informant,
Ramesh Shahni.

The prosecution case, in brief, is that on 21.01.2023,
when he was going from Manikpur Vaishali with 16 wheeler
Truck No. BR 06 GF / 5051 to Sheikhpura along with his
Khalasi and reached near village Amava, the road was blocked
by putting a wooden log on the road due to which the truck
stopped. As soon as the truck stopped, four persons forcibly
entered the cabin and forcefully took away the informant's
mobile and 60,000/- by showing fear of pistol.

It has been submitted by the learned counsel for the



petitioner that his name has come in the confessional statement of co-accused Nitish Kumar who has since been granted bail by the sub-ordinate Court itself. It is his further submission that he do not have any criminal antecedent and will abide by the terms and conditions, if granted bail.

Learned APP opposes the prayer stating that his name has come in the confessional statement of co-accused Nitish Kumar.

Considering the aforesaid fact that his name has come in the confessional statement of Nitish Kumar who has since been granted bail, is in custody since 27.01.2023 (as stated in paragraph 12 of the petition), do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

If, however, it is found that he do have criminal antecedent, the bail order against him shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Bihar Sharif, Nalanda, in connection with Bind P.S. Case No. 12 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the application is allowed.

(Rajiv Roy, J)

Jagdish/kiran/-

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