

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37811 of 2023**

Arising Out of PS. Case No.-153 Year-2022 Thana- JANDAHA District- Vaishali

Abhishek Kumar @ Bojha, aged about 19 years, Male, S/o Ram Pravesh Ray
@ Sadhu Ray, R/o Village-Kajari Bujurg, P.S.-Jandaha, Dist.-Vaishali
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Satya Prakash Sinha, Advocate
For the Opposite Party : Ms. Rina Sinha, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER**

2 07-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jandaha P.S. Case No. 153 of 2022 dated 25.05.2022, instituted for the offence punishable under Section 392 of the Indian Penal Code.

3. As per the prosecution case, the informant being a worker of Electricity Department at Basantpur. On 24.05.2022, while the informant was returning by his motorcycle after collecting electric bill, in the meantime, three miscreants came on motorcycle and snatched the cash of Rs. 63,065/- from him at pistol point and fled away. Thereafter, the F.I.R. was lodged against three unknown persons.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this



case. The petitioner is not named in F.I.R. The name of the petitioner transpired in this case only on the basis of confessional statement of another co-accused, namely, Abhishek Kumar, who has already been granted bail by a Co-ordinate Bench of this Court *vide order dated 24.04.2023 passed in Criminal Miscellaneous No. 12084 of 2023*. It is further submitted that another co-accused, namely, Rakesh Kumar has also been granted bail by a Co-ordinate Bench of this Court *vide order dated 28.06.2023 passed in Criminal Miscellaneous No. 36959 of 2023*. Nothing has been recovered from the conscious possession from the petitioner. Till date, no ***Test Identification Parade (T.I.P.)*** has been made yet. Lastly, it has been submitted that the petitioner is in custody since 08.08.2022, charge-sheet has been submitted in the case and he has seven criminal antecedents against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Vaishali in



Jandaha P.S. Case No. 153 of 2022, subject to the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.¹⁴

(ii) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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