

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42004 of 2023

Arising Out of PS. Case No.-567 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

PAWAN KUMAR S/O CHAMAKI LAL URAW @ CHAMPA URAW R/O
Village- Maranga West, PS. Maranga Dist. Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with K.Nagar P.S. Case No. 567/2021 registered for the offences punishable under Sections 394 of the Indian Penal Code.

3. As per prosecution case, the informant's scooter, mobile phone and Rs.500/- were snatched by four unknown miscreants. FIR has been lodged against unknown.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of petitioner transpired in this case on the basis of confessional statement of co-accused who has been apprehended in Sessions



Trial No.291/2022 and on the basis of confessional statement of co-accused, the petitioner has been remanded in the present case. The petitioner is languishing in custody since 05.03.2022 and bears criminal antecedent of one case in which he is on bail. He further submits that neither incriminating article nor motorcycle has been recovered from the conscious possession of the petitioner. The petitioner has not been put on T.I. Parade till date. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that stolen Scooty has been recovered on the basis of confessional statement of this petitioner on 24.12.2021 as it is evident from the impugned order.

6. Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



learned 4th Additional Sessions Judge, Purnea in connection with
K.Nagar P.S. Case No. 567/2021, subject to following
conditions:-

(i) One of the bailors shall be either father or mother
or sister or brother or wife or the person who has sworn the
affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain
present on all dates and absence for two consecutive dates
without appropriate permission, would be a ground for
cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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