

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42030 of 2023

Arising Out of PS. Case No.-32 Year-2017 Thana- BHIMPUR District- Supaul

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KULANAND BAHARDAR @ UDAYNAND BHARDAR S/O HARI LAL
BAHARDAR @ HARI NARAYAN BAHARDAR R/O Village- Fatehpur, PS.
Narpatganj, Dist. Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Naresh Kumar Mehta
For the Opposite Party/s : Mr.Nawal Kishore Prasad

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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.

The petitioner seeks bail in connection with Bhimpur
P.S. Case No. 32/2017 registered for the offences punishable
under Section 392 of the Indian Penal Code.

As per prosecution case, informant's mobile phone,
ATM card, driving license and money were snatched by the
miscreants and FIR has been lodged against unknown.

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 Shahid Alam. Except confessional



statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 22.09.2022 and bears criminal antecedent of nine cases out of eight cases he is on bail. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that the petitioner has not been put on T.I. Parade till today. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the petitioner has criminal antecedent.

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, 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 **after framing of charge** on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-V, Supaul in connection with Bhimpur P.S. Case No.



32/2017, 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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