

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39508 of 2022

Arising Out of PS. Case No.-42 Year-2020 Thana- KHAIRA District- Saran

=====

ABHISHEK KUMAR S/O SURESH RAI Resident of Village- Wajitpur, P.S.-
Chapra Muffasil, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh

For the Opposite Party/s : Mr.Shyam Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with Khaira
(Nagra) P.S. Case No. 42 of 2020 registered for the offences
punishable under Sections 396 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, when the informant's
brother was returning home after withdrawing Rs. 20,000/- from
bank, six unknown miscreants came on three motorcycles and
tried to snatch the money. When the informant's brother refused
the same then miscreants fired upon him due to which he
sustained injury and miscreants fled away after taking the



money.

Learned counsel for the petitioner submits that petitioner is in custody since 02.02.2022. Petitioner bears five criminal antecedents in which the petitioner is on bail in three cases. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is not named in the F.I.R. During course of investigation, on the basis of information given by the spy, the petitioner has been implicated in this case. Except information given by the spy, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No T.I.P. has been made till today. No incriminating article has been recovered from the possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Chapra, District Saran in connection with Khaira (Nagra) P.S. Case No. 42 of 2020, 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of



the court concerned.

(v) If petitioner violates any of the conditions, the court below is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

amitkr/-

U		T	
---	--	---	--

