

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42712 of 2022

Arising Out of PS. Case No.-258 Year-2020 Thana- OBRA District- Aurangabad

SAKALDEO KUMAR Son of Ashok Mehta Resident of Village - Baidrabad,
Muradpur , Huzra, P.s.- Arwal, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Choudhary

For the Opposite Party/s : Mr.Pronoti Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 30-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Obra
P.S. Case No. 258 of 2020 registered for the offences punishable
under Section 394 of the Indian Penal Code.

As per prosecution case, it is alleged that three
unknown persons stopped informant's motorcycle. It is also
alleged that they assaulted the informant and snatched his
motorcycle and fled away towards Kharanti.

Learned counsel for the petitioner submits that
petitioner is not named in FIR. During the course of investigation
the name of the present petitioner has been surfaced in this case.
No incriminating article has been recovered from the possession of
the petitioner. Petitioner is quite innocent and has committed no



offence as alleged against him in FIR. He has falsely been implicated in the present case on the basis of suspicion. Learned counsel for the petitioner submits that petitioner is in custody since 07.01.2022 and petitioner bears criminal antecedent of five cases. Charge sheet has been submitted in the 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.

Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the 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 bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Aurangabad in connection with Obra P.S. Case No. 258 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.

(vi) However, if petitioner violates any of the conditions, the learned trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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