

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41814 of 2023

Arising Out of PS. Case No.-393 Year-2021 Thana- BELHAR District- Banka

TUFANI DAS SON OF LATE HARI DAS Village- Noniya Basar Ps- Banka
Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned A.P.P
for the State.

2. The petitioner seeks bail in connection with Belhar P.S.
Case No. 393 of 2021 dated 18.11.2021 registered for the
offence punishable under Section 392 of the Indian Penal Code.
But cognizance has been taken under Sections 395 and 412 of
the Indian Penal Code.

3. The prosecution case, in short, is that four miscreants
came on two motorcycles and asked the bag of money from the
informant on the point of pistol. When the informant denied to
give the bag of money, miscreants assaulted the petitioner by
means of butt of pistol on his head and snatched Rs. 2,46,000/-
and mobile phone from the informant.



4. Learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The Petitioner is not named in the F.I.R.. Only on the basis of confessional statement of Niwas Kumar and Prakash Kumar petitioner has been made accused in this case. It is further submitted that Niwas Kumar and Prakash Kumar have been granted bail by a Co-ordinate Bench of this Court *vide* Criminal Miscellaneous No. 21552 of 2022 and Criminal Miscellaneous No. 26441 of 2022 respectively. Lastly, it has been submitted that the petitioner is in custody since 10.11.2022, having seven cases against the petitioner including the present case and charge-sheet has been submitted in the case.

5. Learned A.P.P for the State opposes 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 Additional Sessions Judge-IV, Banka in connection with S.T. No. 291 of 2023 (arising out of Belhar P.S. Case No. 393 of 2021), subject to the following conditions:-

1. 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.

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

3. 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.

4. 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)

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