

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41636 of 2023

Arising Out of PS. Case No.-341 Year-2022 Thana- ASHTHAWAN District- Nalanda

BIRMANI KUMAR @ VIRMANI KUMAR son of Yamuna Yadav @ Jamun
Yadav Village- Fatehpur Ps- Sare Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manisha Prakash, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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
Asthawan P.S. Case No. 341 of 2022 dated 14.12.2022,
instituted for the offence punishable under Section 392 of the
Indian Penal Code.

3. The prosecution case, in brief, is that on 13.12.2022
while informant was sleeping, three unknown miscreants break
and entered her house and looted cash of Rs. 1,00,000/-, silver
ornaments, golden ornaments and music system on gun point.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he is falsely implicated in this case. It
is further submitted that the name of the petitioner has been
transpired in this case only on the confession statement of co-



accused with whom he has enmity. It is further submitted one accused namely, Gopal Kumar wanted the petitioner to commit crime but he refused to do so and so he implicated the petitioner in the present case. Learned counsel further submits that in the police station the informant, her husband and the son was called to identify the petitioner, where she clearly stated that he was not a participant in the alleged crime but even then the police sent him to custody. In this regard, informant filed a petition before the concerned court stating therein that petitioner was not involved in this case. Lastly, it has been submitted that the petitioner is in custody since 15.03.2023 has three criminal cases against him and charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed 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 Judicial Magistrate 1st Class, Nalanda (Biharsarif) in Asthawan P.S. Case No. 341 of 2022, 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)

Sankalp/-

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