

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45009 of 2023

Arising Out of PS. Case No.-83 Year-2021 Thana- GWALPARA District- Madhepura

Banti Kumar S/O Sri Dukhan Yadav Resident Of Village- Atalkha Ps-
Basnahi And District- Madhepura.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 11-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
17.04.2023 in connection with Gwalpara P.S. Case No.83 of
2021, F.I.R. dated 04.06.2021 for the offences punishable under
Section 394 of the Indian Penal Code and Section 27 of the
Arms Act.

3. According to prosecution case, the informant was
withdrawn Rs.16000/- at Jhanjhari Bajar ATM while three
persons amongst all aged about 20-22 years old standing near
the ATM along with his motorcycle. As soon as the informant
started his journey from his matrimonial home at
Mohammadpur by his motorcycle, in the meantime all
miscreants stopped the informant and snatched the motorcycle



and cash and upon opposition made by the informant the accused persons tried fired upon the informant, which struck in the left arm of the informant as such the informant fell down on the ground and all three miscreants fled away.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of CCTV footage which suggest that the petitioner was present at the place of occurrence but nothing was recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.04.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Madhepura in connection with Gwalpara P.S. Case No.83 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 shall remain physically present as directed 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. 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.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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