

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43858 of 2023

Arising Out of PS. Case No.-900 Year-2022 Thana- KANKARBAG District- Patna

Ravi Kumar S/O Sri Umesh Ram R/O Village- Bhatgai, P.S. Taraiya, Dist.
Saran At Chapra, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Jha, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 25.02.2023, in connection with Kankarbagh P.S. Case No. 900 of 2022, F.I.R. dated 21.09.2022 registered for the offences punishable under Sections 379, 120(B)/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 18.09.2022 at about 4:00 P.M. at evening four persons entered into the ATM machine and taking Rs. 25,00,200/- along with castes and fled away in which co-accused Ranjeet Kumar appears to be involved because after depositing the cash in the ATM, he had not locked the ATM Box and accused Ranjeet Kumar also removed the Magnet Censor from inside the ATM and fixed it at outside due to which the amount was theft and no



alarm was rang.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person namely Priyanka Kumari who is the wife of the petitioner. He further submits that except the confessional statement of co-accused person namely Priyanka Kumari, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and till date no test identification parade was conducted by the prosecution. He further submits that petitioner is neither the owner nor he has connection with the seized Alto car which was recovered near the house of the petitioner and the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that out of seven cases, the



petitioner is on bail in six cases and in the rest one case, the petitioner has been acquitted from the charges levelled against him.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail, **after framing of charge, if not framed as yet**, 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, Patna in connection with Kankarbagh P.S. Case No. 900 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 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 witness, 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 antecedents, 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)

Ibrar//-

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

