

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44941 of 2023

Arising Out of PS. Case No.-96 Year-2023 Thana- MUSAHARI District- Muzaffarpur

Saroj Kumar Son of Ram Bharos Das Resident of village - Raghunathpur
Jagdish, P.S.- Mushahari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

For the Opposite Party/s : Mrs. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 26-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 30.04.2023 in connection with Mushahari (Musahari) P.S. Case No. 96 of 2023, F.I.R. dated 14.04.2023 for the offences punishable under Section 392 of the Indian Penal Code.

3. According to prosecution case, three miscreants intercepted the informant who was accompanied by his staff, Anil Kumar and on the point of pistol, the miscreants snatched the bag containing Rs. 2,55,170/- from the informant and 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 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 the confessional statement of the co-accused, namely, Mintu Kumar and the self confessional statement of the petitioner. He further submits that no incriminating articles have been recovered from the conscious possession of the petitioner rather the looted articles have been recovered from the co-accused persons and although the petitioner and other accused persons have been identified by the informant but the co-accused, namely, Mintu Kumar from whom the recovery has been made, granted bail by a co-ordinate Bench of this Court vide order dated 19.08.2023 passed in Cr. Misc. No. 45970 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 30.04.2023.

5. The learned Additional Public Prosecutor 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, East Muzaffarpur in connection with



Mushahari (Musahari) P.S. Case No. 96 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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