

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45219 of 2023

Arising Out of PS. Case No.-311 Year-2022 Thana- JANKINAGAR District- Purnia

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BADAL KUMAR SON OF ANMOL YADAV RESIDENT OF VILLAGE-
MIRCHAYBARI JANKI NAGAR, PS- JANKI NAGAR, DISTT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Janki
Nagar P.S. Case No. 311 of 2022 registered for the offence under
Sections 392 of the Indian Penal Code.

The case relates to commission of loot of informant on
the point of pistol and looted his motorcycle and fled away.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R., it
appears that the occurrence is alleged to have been committed on
07.12.2022 whereas the instant F.I.R. has been lodged on
09.12.2022 after two days without any explanation. He further
submits that one looted motorcycle is alleged to have been



recovered from the front of house of the petitioner. He further submits that there is non-compliance of Section 100 Cr.P.C. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 24.12.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one more case other than the present one but he is on bail in that case.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate-1st Class, Purnea in connection with Janki Nagar P.S. Case No. 311 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.



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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