

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44885 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- GAMAHARIYA District- Madhepura

Ashish Kumar s/o Bijen yadav @ Vijendra Yadav, Resident of village- Tok
Sihpur, Ward no- 06, Post- Sihpur, P.S.- Gamhariya, District- Madhepura, Pin
852128 Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Khurshid Anwar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-03-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the offences
punishable under Section 392 of the Indian Penal
Code.

According to prosecution case, informant Md. Shamshad
was proceeded from Darbhanga to Singheshwar Haatt and during this
period unknown person came to chase him with motorcycle blue
colour Yamaha FZS and stopped him with showing the pistol and hit
him on his temple with the butt of pistol and demaded rupees then
informant gave Rs. 50,000/- to him and also took his mobile and fled
away from there towards Singheshwar.

Learned counsel for the petitioner submitted that
petitioner has falsely been implicated in this case. 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 co-accused person namely, Bandhan Kumar @ Ranjan Kumar and Ravi Shankar Kumar. Further submits that nothing incriminating article has been recovered from conscious possession of the petitioner. Further submits that except confessional statement of co-accused person namely, Bandhan Kumar @ Ranjan Kumar and Ravi Shankar Kumar, no other cogent material has come during investigation against the petitioner. Further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ravishankar Kumar @ Ravi Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 05.05.2022 passed in Cr. Misc. No.11032 of 2022 and the petitioner is in custody since 24.09.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five more cases other than the present one.

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 Court below where the case is pending in connection with Gamhariya P.S. Case No. 56 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.

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(Rajesh Kumar Verma, J)

