

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45161 of 2022**

Arising Out of PS. Case No.-176 Year-2021 Thana- TRIVENIGANJ District- Supaul

MUNNA KUMAR @ MUNNA YADAV Son of Bhupendra Kumar Resident
of - Chauraha, Ward No.- 10, P.S.- Shankarpur, Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Goutam

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 01-02-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Triveniganj P.S. Case No. 176 of 2021 registered for the
offences punishable under Sections 395, 397 of IPC and 27 of
Arms Act.

As per prosecution case, informant and other was
returning to his village on motorcycle after participating in
funeral ceremony. It is alleged that five miscreants riding on two
motorcycles started chasing them and intercepted them near
Pakari Bridge. It is further alleged that at the point of pistol the
aforesaid miscreants took away motorcycle, purse containing



rupees ten to twelve thousand and mobile of Informant. It is further alleged that miscreants fired on them causing fire arm injury in the right thigh of informant and two fire arm injuries to his companion Amrit Lal Yadav on his both thigh. It is further alleged that they also snatched the mobile of victim Amrit Lal Yadav and fled away towards cold storage riding on two motorcycles.

Learned counsel for the petitioner submits that petitioner is in custody since 09.09.2021 and bears criminal antecedent of thirteen cases. He further submits that petitioner is not named in the FIR and his name has been transpired in the present case upon self-confessional statement in Triveniganj P.S. Case No. 246 of 2021 and on the basis of self-confessional statement in said case, police has made accused petitioner in several cases including the present case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that nothing has been recovered from the conscious possession of the petitioner. He further submits that no TIP has been conducted uptill now.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Supaul in connection with Triveniganj P.S. Case No. 176 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the



time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the concerned court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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