

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46749 of 2023

Arising Out of PS. Case No.-306 Year-2022 Thana- KHUSRUPUR District- Patna

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Pawan Kumar @ Pawan Yadav @ Pawan Kumar Yadav S/O Shiv Kumar Prasad R/O Village- Mohiudeenpur, P.S- Nagar Nausha, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kahkashan Alam, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 15.12.2022 in connection with S.Tr. No.323 of 2023 arising out of Khushrupur P.S. Case No. 306 of 2022, F.I.R. dated 11.08.2022 for the offences punishable under Sections 356, 379 of the Indian Penal Code but the police after investigation submitted the charge sheet under Sections 395 and 412 of I.P.C.

3. According to prosecution case, in nutshell is that informant of this case Varun Kumar lodged an F.I.R. against two unknown persons about the snatching of tab, bag and Rs.1,30,356/- who has been kept in that bag by the informant of this case. It is further alleged that he was going for collection of money from the customer of Bharat Finance from the Gopal



Tola to the four lane of the Patna. In the meantime one motorcycle came and rushed me then I was felt down on the earth. Then after, that unknown persons taken my bag, tab and fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Akash Kumar and nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Akash Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 05.07.2023 passed in Cr. Misc. No. 36943 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.12.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but fairly submits that



petitioner is on bail in all the cases as stated in para-3 of the bail petition.

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 Additional District and Sessions Judge-IV, Patna City in connection with S.Tr. No.323 of 2023 arising out of Khushrupur P.S. Case No. 306 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 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.

(Rajesh Kumar Verma, J)

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