

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46952 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- KANTI District- Muzaffarpur

PRABHAT KUMAR @ CHHOTU SON OF TRIPURARI SHARAN
CHOUDHARY RESIDENT OF VILLAGE KAPARPURA, P.S. KANTI,
DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kanti P.S.
Case No. 111 of 2023 registered for the offence under Sections
392 of the Indian Penal Code.

According to the prosecution case, two persons came
on a motorcycle and snatched Rs. 5000/- on gun point and fled
away towards West Kothiya.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that three cases have been
instituted against the petitioner on the same day such as Kanti
P.S. Case No. 112 of 2023 and Kanti P.S. Case No.113 of 2023
along with the instant case. He further submits that on bare



perusal of the F.I.R., it appears that the allegation against the petitioner and accused persons that they have looted Rs. 5000/- cash from the informant and it appears from the F.I.R. itself that when the police placed the petitioner before the informant he did not identify the petitioner but co-accused Ujala @ Ujjwal Rai has been identified by the informant. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner and he has falsely been made accused on the ground that he has been arrested by the police along with the co-accused in connection with kanti P.S. Case No. 112 of 2023 and thereafter remanded in this case on 28.02.2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner.

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 the petitioner carries two more cases other than the present one.

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, (West), Muzaffarpur in connection with Kanti P.S. Case No. 111 of 2023 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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