

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46989 of 2023

Arising Out of PS. Case No.-198 Year-2023 Thana- Begusarai Muffasil District- Begusarai

PREM KUMAR Son of Fultush Kumar @ Fultush Ray Resident of village -
Fatehpur, Pachmma, P.s - Muffasil, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 02-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
06.04.2023 in connection with Muffasil (Singhoul O.P.) P.S.
Case No. 198 of 2023, F.I.R. dated 05.04.2023 for the offences
punishable under Sections 394 and 397 of the Indian Penal Code
and later on Section 411 of I.P.C. was added.

3. According to prosecution case, as per F.I.R., in brief
is that on 04.04.2023 four unknown miscreants robbed the
informant and one of the miscreant imparted bamboo blow on
the head of the informant due to which he sustained injuries and
all miscreants took the motorcycle of the informant.

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 during investigation on the basis of confessional statement of co-accused namely, Sushil Kumar. He further submits that 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 and except the confessional statement of the co-accused namely, Sushil Kumar, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 06.04.2023.

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 one criminal antecedent other than the present one, in which petitioner is on bail.

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 Chief Judicial Magistrate, Begusarai in connection with Muffasil



(Singhoul O.P.) P.S. Case No. 198 of 2023, 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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