

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53004 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- SONEPUR District- Saran

Munna Giri @ Mannu Giri @ Monu Giri S/O Ashok Giri R/O Village-
Achitpur, P.S- Isuapur, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
25.02.2023 in connection with Sonepur P.S. Case No. 59 of
2023, F.I.R. dated 22.01.2023 for the offences punishable under
Section 392 of the Indian Penal Code.

3. According to prosecution case, the informant Niraj
Kumar has filed this case against unknown alleging that on
22.01.2023 at about 7:20 P.M. when he was returning from the
house of his sister village Kapoor Chowk and when he reached
near Govindchak railway crossing, four unknown miscreants
snatched his Apache motorcycle bearing Registration No.BR-
06BC-8069 on the point of pistol and fled away.

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 persons namely, Rakesh Kumar and Bhola Singh which was recorded in para-17 of the case diary. 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 co-accused persons namely, Rakesh Kumar and Bhola Singh, 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 25.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that it has come during investigation that the petitioner was involved in the present crime in question and petitioner carries nine criminal antecedent other than the present one, but fairly submits that out of nine cases petitioner is on bail in five 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 Chief Judicial Magistrate-4th, Saran at Chapra, District-Saran in connection with Sonepur P.S. Case No. 59 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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