

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51965 of 2022

Arising Out of PS. Case No.-121 Year-2021 Thana- BHAPTIAHI District- Supaul

PINTU KUMAR SON OF RAM NARAYAN YADAV R/O VILLAGE-
FULWARIYA, WARD NO. 13, P.S.- KISHANPUR, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms. Anita Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered for the
offence punishable under Sections 392/34 of the Indian Penal
Code.

According to prosecution case, while the informant
was on the way to Simrahi from Saraigarh at N.H. 57, three
unknown miscreants looted about Rs. 50,650/- on the point of
revolver and also a mobile.

Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been
implicated in the present case. The petitioner is not named in the
F.I.R. His name has been transpired during investigation on the
basis of confessional statement of co-accused namely, Md.



Shakir. He further submits that no incriminating article has been recovered from the possession of the petitioner and except the confessional statement of co-accused, no other cogent materials have come during investigation against the petitioner. The seized motorcycle belongs to the brother of the petitioner and mobile is not a looted article and the co-accused, namely, Tuntun Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 04.08.2022 passed in Cr. Misc. No. 25104 of 2022. The police after investigation, submitted the charge sheet. The petitioner is in custody since 16.01.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Court below where the case is pending in connection with Bhaptiyahi P.S. Case No. 121 of 2021, 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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