

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57051 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- BAHERA District- Darbhanga

TARA MOHAN SINGH SON OF CHANDRA MOHAN SINGH RESIDENT
OF VILLAGE- BALA YAKO, DONAR, INDUSTRIAL AREA, PS- SADAR,
DISTT- DARBHANGA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhijeet Abhigyan, Advocate
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 30-08-2023

Heard the parties.

The petitioner is an accused in connection with Bahera P.S. Case No. 342 of 2022 registered for the offences under section 392 of the Indian Penal Code lodged on 01.08.2022 by the informant, Ashutosh Kumar.

As per the prosecution story, the allegation is that when the informant with his sister and brother-in-law were going to Benipur, a car was intercepted by the accused persons and relieved them of mobile as also '*mangalsutra*' of sister and gold chain of brother-in-law at gun point. Accordingly, the FIR.

It is the case of the petitioner that the allegation is against unknown, he has been coerced to make confession before the police which has no evidentiary value and nothing



recovered from his conscious possession.

Learned APP for the State, on the other hand, opposes the prayer for bail stating that he has criminal antecedent of same nature.

Taking into account the submissions put forward by the learned Counsel for the petitioner as also that he is in custody since 20.01.2023 (as stated in paragraph 5 of the bail application), this Court is inclined to extend him privilege of bail but only after framing of the charges in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail after framing of the charges on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned A.C.J.M., Benipur, Darbhanga in connection with Bahera P.S. Case No. 342 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail



bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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