

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52997 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- TARAIIYA District- Saran

ANUP KUMAR S/o Laxuman Prasad Resident of Vill-Gopalpur, P.S.-
Bhagwanpur Hat, District-Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
21.02.2023 in connection with Taraiya P.S. Case No. 7 of 2023,
F.I.R. dated 08.01.2023 for the offences punishable under
Section 392 of the Indian Penal Code.

3. The informant has filed this case against unknown
for committing loot of his Tata Magic loaded with goods on the
way in the night hours after intercepting him who was driving
the vehicle.

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 the 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, Harikishore and Jitendra Prasad and nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that except the confessional statement of co-accused persons namely, Harikishore and Jitendra Prasad no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the petitioner has remanded in the present case from Bhagwanpur Hat P.S. Case No.20 of 2023 on 17.03.2023. He further submits that the police after investigation submitted the charge sheet against the petitioner on 15.05.2023 under Section 395 of the I.P.C. and the petitioner is in judicial custody since 21.02.2023

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 he 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 A.C.J.M.-1st, Chapra (Saran) in connection with Taraiya P.S. Case No. 7 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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