

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53479 of 2022

Arising Out of PS. Case No.-535 Year-2021 Thana- BIHIA District- Bhojpur

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Kunal Kumar @ Kundal Kumar @ Shera Son of Mahendra Prasad Resident
of Village - Bihiya Gaon, P.s.- Bihiya, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prabhat Kumar Singh, Mr. Surendra Kumar Singh
For the Opposite Party/s :		Mr. Gulnar Begum

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 15-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bihiya
P.S. Case No.535 of 2021, registered for the offences
punishable under Sections 392 of the Indian Penal Code
and Section 412 of the Indian Penal Code was added on
06.02.2022.

The prosecution case as emerges from the FIR is
that on 30.12.2021, the accused persons looted a cash of
Rs. 1,73,000/-, three mobiles and some valuable articles
from the informant when he was returning to his house after
closing his shop.



Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the petitioner is not named in the FIR and nothing has been recovered from the possession of the petitioner which could connect him with the alleged robbery. He also submits that no Test Identification Parade has been conducted as yet. He further submits that co-accused persons, namely, Indal Kumar and Chandan Kumar have been enlarged on bail by co-ordinate Bench of this Court vide order dated 22.09.2022 and 17.11.2022, passed in Cr. Misc. No. 37124 of 2022 and Cr. Misc. No. 42781 of 2022, respectively.

He further submits that the petitioner has been languishing in jail since 07.02.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in two other cases.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.



However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Bhojpur at Ara in connection with Bihiya P.S. Case No.535 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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