

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54812 of 2022

Arising Out of PS. Case No.-34 Year-2022 Thana- UPHARA District- Aurangabad

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ANKIT KUMAR @ MONU @ ANKIT DUBEY @ ANKIT KUMAR Son of
Jai Kishor Dubey R/V- Uphara, P.S- Uphara, Dist- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad

For the Opposite Party/s : Mr.Rajiv Nayan

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-02-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Uphara
P.S. Case No. 34/2022, Corresponding to C.I.S. No.748/2022
registered for the offences punishable under Section 394 of the
Indian Penal Code.

As per prosecution case, the informant's Rs.1500/-
and mobile phone have been looted by the miscreants. It is
alleged that miscreants have also looted motorcycle, Rs.5000/-
and mobile phone from the informant's friend Raushan Kumar.
FIR has been registered against unknown.

Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR, during course of



investigation the name of petitioner transpired in this case. The petitioner is languishing in custody since 25.05.2022 and bears no criminal antecedent. No incriminating article has been recovered from the conscious possession of the petitioner. He further submits that T.I. Parade of the petitioner was held after more than one month which is not permissible in the eye of law. From perusal of the seizure list, it appears that all the recoveries were made from the open field. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Daudnagar, Aurangabad in connection



with Uphara P.S. Case No. 34/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without appropriate permission of the trial court, his bail bond shall be cancelled by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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