

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55576 of 2023

Arising Out of PS. Case No.-350 Year-2022 Thana- RAJGIR District- Nalanda

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TUNTUN KUMAR @ SANJIT KUMAR @ PITARA S/O - AMRIKA
YADAV @ AMIRAK YADAV R/O VILLAGE - DHARAMPUR, P.S. -
HULASGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rana Randhir Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
20.07.2022 in connection with Rajgir P.S. Case No. 350 of
2022, F.I.R. dated 18.06.2022 for the offences punishable under
Sections 392 of the Indian Penal Code.

3. According to prosecution case, the informant stated
that three-four persons on a car intercepted his truck and looted
him and took his mobile. It is further alleged that they tied him
in their car and dropped him near Rajgir Central School.

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 FIR and the name of the petitioner has been transpired during investigation. He further submits that the petitioner and other co-accused persons were arrested in connection with Rajgir P.S. Case No. 359 of 2022 under Section 399 and 402 of the IPC and Sections 25(1b) a/26/35 of the Arms Act in which the petitioner and the co-accused persons has confessed their guilt in the present occurrence and except the self confessional statement of the petitioner, no other material has come during investigation to suggest the involvement of the petitioner in present occurrence and nothing has recovered from the conscious possession of the petitioner. He further submits that the police after investigation submitted the charge sheet under Section 392 of the Indian Penal Code on 03.09.2022 against the petitioner and the petitioner is in judicial custody since 20.07.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner was arrested along with the fire-arms in another case and in which, he has confessed his guilt in the present occurrence and fairly submits that the petitioner was in bail in the pending case.

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 J.M. 1st class-III, Biharsharif, District Nalanda, in connection with Rajgir P.S. Case No. 350 of 2022, 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)

Adnan/-

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