

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57637 of 2023

Arising Out of PS. Case No.-342 Year-2022 Thana- NAUGACHIA District- Bhagalpur

Rupesh Kumar S/O- Prabhash Yadav Village- dhobinia Ps- Naugachia Dist-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 05-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 27.06.2023 in connection with Naugachia P.S. Case No. 342 of 2022, F.I.R. dated 06.11.2022 for the offences punishable under Section 392 of the Indian Penal Code.

3. According to prosecution case, petitioner is alleged to have looted Rs. 3000/- from the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner is transpired merely on the basis of confessional statement of co-accused person, namely, *Ashish Kumar*. He further submits that



nothing has been recovered from the conscious possession as well as house of the petitioner and till date, no T.I.P. has been conducted against the petitioner. He further submits that except the confessional statement of co-accused person, no other cogent material has come during the investigation to suggest of the involvement of the petitioner. The petitioner is in custody since 27.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

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 Additional Chief Judicial Magistrate – Ist, in connection with Naugachia P.S. Case No. 342 of 2022, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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