

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58771 of 2023

Arising Out of PS. Case No.-816 Year-2022 Thana- BARH District- Patna

Jaynandan Kumar @ Jay Kumar Son Of Manoj Kumar @ Manoj Paswan
Village- Dhibar Jigiriya (Jigiria Tola), P.S.- NTPC Distt- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Barh P.S. Case No. 816 of 2022, lodged on 19.12.2022, under
Section 392 of the Indian Penal Code.

3. As per the prosecution, FIR has been lodged under
Section 392 of the Indian Penal Code against two named
accused persons against whom the allegation of robbery is there.

4. Learned counsel for the petitioner submits that FIR
is not named and the name of the petitioner has figured in this
case by virtue of confessional statement of co-accused as well as
by the self-confessional statement. Counsel submits that looted
article has been recovered as it transpires from the seizure-list,
but the said recovery was not made from the possession of the



present petitioner. Counsel further submits that he has not been identified in the T.I.P. He submits that petitioner is in custody since 21.01.2023. Charge sheet has already been filed in this case. He also submits that two other co-accused persons have been granted bail by the coordinate Benches of this Court vide orders dated 22.05.2023 and 08.08.2023 passed in Cr. Misc. No.21834 of 2023 and Cr. Misc. No.49495 of 2023 respectively. Counsel also submits that the offence in which case has been filed is Magisterial triable.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the bail application of the petitioner the criminal antecedent which is four in nature may be taken into consideration.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be released on bail **only after framing of the charge** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Barh, Patna, in connection with Barh P.S. Case No. 816 of 2022, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other following



conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Dr. Anshuman, J)

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