

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57984 of 2023

Arising Out of PS. Case No.-469 Year-2022 Thana- PATRAKARNAGAR District- Patna

SURAJ KUMAR S/O OM PRAKESH R/O VILLAGE- MISKA TOLI
SAKRI GALI ALLABUXPUR, P.S- ALAMGANJ, DISTT.- PATNA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner, who is in custody since 29.09.2022 seeks
bail, in connection with Patrakar Nagar P.S. Case No.469/2022,
dated 09.08.2022, for the offences punishable under Sections
395 of the IPC.

3. According to prosecution case, the petitioner along
with other unknown accused persons are alleged to have
committed dacoity of cash of Rs. 50.000/- along with mobile
and ornaments of the informant and his family members.

4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He
further submits that the petitioner is not named in the
F.I.R. The name of the petitioner has been transpired on the



basis of confessional statement of the co-accused, namely, Sonu Kumar @ Baba and nothing has been recovered from the conscious possession or the house of the petitioner. He further submits that till date no T.I.P. has been conducted by the prosecution and except the confessional statement of the co-accused, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that co-accused persons, namely, Triloki Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 20.03.2023 passed in Cr. Misc. No. 73367/2022, co-accused namely, Shashibhushan Kumar has been granted bail vide order dated 28.03.2023 passed in Cr. Misc. No. 1914/2023, co-accused, namely, Dikku Kumar has been granted bail vide order dated 05.04.2023 passed in Cr. Misc. No. 779/2023, co-accused namely, Gaurav Kumar @ Rishu has been granted bail vide order dated 25.07.2023 passed in Cr. Misc. No. 38626/2023 and co-accused, namely, Sonu Kumar @ Baba has been granted bail vide order dated 22.05.2023 passed in Cr. Misc. No. 20600/2023. He further submits that the petitioner has been remanded in the present case from Patrakarnagar P.S. Case No. 482/2022 on 29.09.2022 police after investigation submitted the charge sheet against the



petitioner and the petitioner is in custody since 29.09.2022.

5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried two criminal antecedent other than the present one but fairly submits on the basis of para-3 of the bail petition that the petitioner is on bail in both the cases.

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 Smt. Ankita Raj, J.M. 1st Class, Patna in connection with Patrakar Nagar P.S. Case No. 469/2022, 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)

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