

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56281 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- DIGHWARA District- Saran

Vasu @ Madhukant Kumar Son of Rajendra Singh Resident of Village - Rampur Malachhiya Tola, P.S.- Madhaura (Gaura O.P.), District - Saran (Chapra).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-05-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since 29.03.2022 in connection with Dighwara P.S. Case No. 49 of 2020, F.I.R. dated 12.02.2022 for the offences punishable under Sections 406, 420, 392/34 of the Indian Penal Code.

Allegation against the petitioner and other co-accused persons is that they snatched the camera and other articles from the informant on pistol point and also assaulted him.

Learned counsel for the petitioner submits that petitioner is innocent 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 has been transpired



during investigation on the basis of disclosure made by the Spy and the self confessional statement of the petitioner. He further submits that nothing has been recovered from the conscious possession or the hose of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that except the self confessional statement of the petitioner no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Saurabh Kumar @ Saurabh Kumar Singh has been granted bail by a co-ordinate Bench of this Court vide order dated 13.02.2023 passed in Cr. Misc. No. 53170 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 29.03.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

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 A.C.J.M.-
II, at Chapra in connection with Dighwara P.S. Case No. 49 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)

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