

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61232 of 2023

Arising Out of PS. Case No.-18 Year-2023 Thana- PIRO District- Bhojpur

Awadhesh Singh @ Awadhesh Kumar Singh @ Awadhesh Kumar S/O Late
Sipahi Singh Residents Of Village Bairhi Police Station Jagdishpur District
Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
29.01.2023 in connection with Piro P.S. Case No. 18 of 2023,
F.I.R. dated 17.01.2023 for the offences punishable under
Section 392 of the Indian Penal Code and later on Section 395
and 412 of the Indian Penal Code were added.

3. According to prosecution case, four miscreants
armed with Katta forcibly pointed pistol to the informant and his
Khalasi and opened the gate of the truck and tied their hands
near a tree and snatched their mobile phones.

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 F.I.R. and the name of the petitioner has been transpired during investigation on the basis of the information furnished by the local spy and thereafter, self confessional statement of the petitioner was recorded in which he has accepted his guilt in the present occurrence and also disclosed the name of the other accused persons. He further submits that on the basis of the confessional statement of Anand Kumar, recovery has been made from the house of Ravindra Kumar Shah. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 29.01.2023.

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

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 Judicial



Magistrate 1st Class, Bhojpur at Ara in connection with Piro P.S.

Case No. 18 of 2023, 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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