

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61774 of 2023

Arising Out of PS. Case No.-667 Year-2022 Thana- PATRAKARNAGAR District- Patna

Mohan Kumar @ Vrij Mohan Kumar Son Of Shiv Shankar Sao @ Ravi
Shankar Sao Resident Of - Makhdumpur Bagicha, Shivaji Nagar, P.S. -
Digha, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sushil Ranjan Sinha, Advocate
	:	Mr. Manish Kumar, Advocate
	:	Mr. Sharda Rajan Sinha, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
13.04.2023 in connection with Patrakar Nagar P.S. Case No. 667
of 2022, F.I.R. dated 28.10.2022 for the offences punishable
under Sections 457/380 of the Indian Penal Code.

3. According to prosecution case, some miscreants
committed theft in the house of the informant and looted several
ornaments.

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 his name is transpired during investigation on the basis of confessional statement of co-accused person, namely, Sunil Prasad Gupta. He further submits that nothing incriminating has been recovered from the conscious possession or from the house of the petitioner rather the recovery has been made from the possession of the co-accused person, namely, Sunil Prasad Gupta and except the confessional statement of the co-accused person, no other material has come during the investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that said ***Sunil Prasad Gupta*** has been granted bail vide order dated 18.05.2023 in Cr. Misc. No. 22750 of 2023 and other co-accused person, namely, ***Abhishek Kumar*** has been granted bail vide order dated 23.05.2023 in Cr. Misc. No. 23099 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 13.04.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries nine criminal antecedent other than the present one but fairly submits that on the basis of Paragraph No. 3 of the bail petition, petitioner is on bail in eight



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 the learned Judicial Magistrate – Ist, Civil Court, Patna, in connection with Patrakar Nagar P.S. Case No. 667 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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