

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62041 of 2023

Arising Out of PS. Case No.-68 Year-2022 Thana- PRATAPGANJ District- Supaul

ANAND KUMAR @ BHOLA Son of Ramai Singh @ Ram Kumar Mehta @
Raj Kumar Mehta Resident of Village Rampur P.S. Balua Bazar, District-
Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kamal Kishore Singh, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 26-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Pratapganj
P.S. Case No. 68 of 2022 dated 13.04.2022 registered for the
offence under Sections 365, 392/34 of the Indian Penal Code.

The petitioner along with others are alleged to have
assaulted the informant and his brother after spraying chilly
power in their eyes and taken away his commercial vehicle which
was hired on rent by the accused persons.

Learned counsel appearing for the petitioner submits
that the petitioner, is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, his name transpired in this case on
the basis of confessional statement of the co-accused, Avanish



Kumar and Chandra Shkhar Kumar @ Shekhar. He further submits that the vehicle in question has been recovered from the possession of other co-accused persons. Save and except the confessional statement of the co-accused, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. Moreover, co-accused, Avanish Kumar and Chndra Shekhasr Kumar @ Shekhar having more or less similar allegation have already been granted bail by this Court vide order dated 25.04.2023 passed in Cr. Misc. No. 64831 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 15.03.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one, however, he is on bail in all cases.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned S.D.J.M., Birpur, Supaul in connection with Pratapganj P.S. Case No. 68 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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