

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71458 of 2021

Arising Out of PS. Case No.-1150 Year-2018 Thana- SONEPUR District- Saran

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Kunal Kumar @ Kundan Kumar S/o Pradip Ray R/o village- Semara, P.S.-
Sonepur, Distt.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Bishweshwar Ram, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 18-01-2023 The applicant is accused in Crime No.1150 of 2018 registered with Sonepur Police Station for the offences punishable under Sections 394/412 of the Indian Penal Code. By this application he is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused as well as learned Additional Public Prosecutor appearing for the State.

The learned counsel for the applicant argued that investigation of the case is over and the applicant is behind bar for a period of about two years. Nothing was recovered from him.

The learned Additional Public Prosecutor opposed the application by contending that the applicant is having



checkered criminal history.

I have considered the submissions so advanced and also perused the materials placed on record.

The crime in question is registered on the basis of FIR lodged by victim Mukesh Kumar Giri. He averred that when he along with his friend Mehi Lal Sah were returning to their home in the night hours of 25.11.2018, three persons accosted them by motorcycle and looted an amount of rupees six hundred as well as Cellphone apart from the Motorcycle belonging to the First Informant. During course of investigation, the Cellphone came to be seized on 30.11.2018 from the house of co-accused Chandan Kumar. It is not seen that anything was recovered from the applicant. He was not subjected to the Test Identification Parade.

Care can be taken of the criminal history of the applicant by imposing stringent condition on him. Therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 1150 of 2018 registered with Sonapur Police Station is directed to be released on bail on executing P.R. bond of Rs.25,000/- (Rupees Twenty-five Thousand) and on furnishing surety of the like



amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

Mkr./-

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