

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61689 of 2023

Arising Out of PS. Case No.-573 Year-2023 Thana- BIHAR District- Nalanda

Sunny Kumar S/O Shambu Ram R/O Village- Mahalpar, P.S- Bihar, Distt.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Sharma, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 26.06.2023 in connection with Bihar P.S. Case No. 573 of 2023, F.I.R. dated 25.06.2023 for the offences punishable under Sections 392, 411 of the IPC.

3. According to prosecution case, while the informant was going to Biharsharif for purchasing grocery articles, he reached at Bangali More, Biharsharif, three boys surrounded him and hold his collar and assaulted him on his nose by fists and slaps and snatched gold chain, two mobiles and cash Rs. 5,000/-. On raising Hulla, they tried to flee away from there but one of them caught by the informant. He told his name as Sunny Kumar before the police and also told the names of escaped persons as Sonu Kumar and Rahul Kumar. Accordingly, the



FIR.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence and the petitioner was arrested at the place of occurrence, but nothing incriminating article has been recovered from his possession. The petitioner is in custody since 26.06.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner having clean antecedent and nothing incriminating article has been recovered from the conscious possession of the petitioner, 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.,IV, Nalanda at Bihar Sharif in connection with Bihar P.S. Case No. 573 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)

Prakash Narayan

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