

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.169 of 2022

Arising Out of PS. Case No.-56 Year-2021 Thana- BATH District- Bhagalpur

Badal Kumar, Son of Sanjay Kumar Resident of Village - Kodanda, P.s.-
Shahkund, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : MS. Rita Verma

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 02-01-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with Bath P.
S. Case No. 56 of 2021, registered for the offence/s
punishable under Section/s 392 of the Indian Penal Code.

The prosecution story as emerges from the FIR is
that when the informant was going to his home on
04.09.2021 at about 08.40 P.M. on his Honda Sign
Motorcycle, bearing Registration No. BR-08F-0968, three
persons came there and snatched his motorcycle and fled
away.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioner. He also submits that not TIP has yet been conducted. He further submits that investigation in this case is complete and charge-sheet has already been submitted. He also submits that other co-accused persons, namely, Anish Kumar and Mithun Pathak have already been enlarged on bail by a co-ordinate Bench of this Court *vide* orders dated 01.08.2022 and 22.12.2022, passed in Cr. Misc. No. 20301 of 2022 and Cr. Misc. No. 52774 of 2022, respectively.

The petitioner has been languishing in jail since 07.09.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedents.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.



Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M., 13th, Bhagalpur, in connection with Bath P. S. Case No. 56 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld.



court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

The application stands allowed accordingly.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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