

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66840 of 2022

Arising Out of PS. Case No.-12 Year-2022 Thana- MAKHDUMPUR District- Jehanabad

Mukesh Kumar, Son of Awadhesh Prasad, R/v- Mahmadpur, P.S.- Jehanabad,
District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 25-02-2023 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Manoj Kumar, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Makhdumpur P.S. Case No. 12 of 2022 registered for the offence punishable under Section 392 of the Indian Penal Code.

It is alleged that on 07.01.2022, two persons hired the tempo of the informant in order to proceed Bela, Gaya, but in the way both the miscreants allegedly snatched his tempo, other valuables and cash Rs.2,000/- along with mobile phone by tying the hands and legs of the informant.



Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against unknown persons, however, during the course of investigation on the basis of Call Detail Record one Rahul Kumar was apprehended and on his extra judicial confession, the name of the petitioner transpired. He further submits that save and except the confession made by the co-accused Rahul Kumar, there is no material suggesting the complicity of the petitioner, apart from the fact that the petitioner has neither been put on Test Identification Parade nor any incriminating material has been recovered, more so, he is in custody since 15.08.2022. He next submits that the reason for implicating the name of the petitioner is his past criminal antecedent, as the petitioner is found involved in three other criminal cases, besides the present one. So far the co-accused Rahul Kumar is concerned, he has already been allowed bail by this Court vide order dated 30.06.2022 passed in Cr. Misc. 23426 of 2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is a habitual offender and involved in identical nature of crime, apart from the other materials, which has come during the course of investigation.



Regard being had to the submissions made on behalf of the parties and considering the fact that the name of the petitioner surfaced on the confessional statement of co-accused Rahul Kumar, who has already been allowed bail by this Court, coupled with the period of custody and the fact that the investigation of the crime is already complete, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Jehanabad in connection with Makhdumpur P.S. Case No. 12 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.



(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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