

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69763 of 2023

Arising Out of PS. Case No.-188 Year-2023 Thana- SHAHPUR PATORI District- Samastipur

Raju Kumar S/O Vijay Rai R/O Villae- Hetanpur, P.S- Patori, Distt.-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Patori P.S. Case No. 188 of 2023 registered on 14.03.2023 for the alleged offences under Sections 394, 441 of the I.P.C.

3. As per prosecution case, while the informant was returning from his work along with his cousin, four miscreants on two motorcycles chased and intercepted the motorcycle of the informant and at gun point they snatched one Drone camera set, mobile phone and motorcycle of the informant and they also assaulted the cousin of informant with butt of pistol.

4. The learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. No occurrence as alleged has ever taken place. Petitioner



is not named in the F.I.R. but only on the basis of confessional statement of co-accused Bimal kumar, the name of the petitioner surfaced in this case. However, no recovery has been made from the petitioner. Recovery has been made from co-accused persons, Bimal Kumar and Avinash Kumar of drone camera and motor cycle used in the crime and also motorcycle of the informant, respectively. The petitioner is in custody since 26.07.2023 and is having clean antecedent. Charge-sheet has been submitted.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the nothing incriminating has been shown to be recovered at the instance of the petitioner his clean antecedent and further considering the period of custody of the petitioner and submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Samastipur in connection with Patori P.S. Case No. 188 of 2023, subject to the conditions mentioned in Section 437(3)



of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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