

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66125 of 2022

Arising Out of PS. Case No.-358 Year-2022 Thana- MAHUA District- Vaishali

=====

BIRU KUMAR @ BIRU BHAGAT S/O MAHENDRA BHAGAT Resident of
village- Chakmajjahid, P.S.- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.

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

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Mahua P.S.
Case No. 358 of 2022 registered for the offence under Sections
392 of the Indian Penal Code.

The case relates to commission of loot of motorcycle,
mobile, purse containing personal documents and cash of Rs.
5000/- along with cheque of Rs. 11,700/- of the informant.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R. but merely on the basis of confessional
statement of the co-accused, Amrendra Kumar followed by self
confession of the petitioner during course of investigation, he has



been made accused in this case. In fact, nothing incriminating has been recovered from the conscious possession of the petitioner. He further submits that save and except the aforesaid confession, no cogent material suggesting the involvement of the petitioner in the alleged occurrence has surfaced against the petitioner. No T.I.P. has been conducted by the prosecution as yet. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 25.07.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries ten more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail, ***after framing of charge***, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur, Vaishali in connection with Mahua P.S. Case No. 358 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) 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.

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)

brajesh/-

U		T	
---	--	---	--

