

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67571 of 2022

Arising Out of PS. Case No.-131 Year-2021 Thana- SINGHESHWAR District- Madhepura

ASHISH KUMAR Son of Bijendra Yadav @ Vijendra Yadav R/V- Toksihpur,
P.S- Gamharia, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 22-03-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the
offence under Section 392 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that he was working as Manager of Baba Singheshwar
Fuel Centre, Pipra Road, Singheshwar, on 03.06.2021 while he
was on duty three persons on Apache Motorcycle came from the
side of Pipra and took Rs. 1,64,952/- from Rohit Kumar on gun
point and fled away. The faces of all the accused persons were
covered.

Learned counsel appearing for the petitioner submits
that the petitioner has falsely been implicated in the present
case. Petitioner is not named in the FIR. Name of the petitioner
has been transpired during investigation on the basis of the



confessional statement of the petitioner as well as on the basis of C. C. T.V. Footage of another case i.e. Shingheshwar P.S. Case No. 77 of 2021. Further submits that the petitioner was arrested in Gamharia P.S. Case No. 53 of 2021 and remanded in the present case on 27.07.2021. Further submits that nothing has been recovered from conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that similarly situated co-accused person namely Raushan Kumar @ Hitlar has been granted bail by a Coordinate Bench of this Court vide order dated 16.12.2022 passed in Cr. Misc. No. 54341 of 2022 and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 27.07.2021.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries seven more cases other than the present one but fairly submits that out of seven cases, the petitioner is on bail in five cases as mentioned in paragraph-3 of the bail petition.

Considering the aforesaid facts and period of custody, 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 learned court below where the case is pending in connection with Singheshwar P.S. Case No. 131 2021, 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 cancelled 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.

(3) 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)

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