

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69985 of 2022

Arising Out of PS. Case No.-53 Year-2020 Thana- KHUSRUPUR District- Patna

Arvind Kewat @ Arbind Kewat @ Pahalwan Son of Faujdari Kewat @
Faujdari Prasad Resident of - Malahbigha, P.S.- Chandi, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
16.10.2020 in connection with S. Tr. Case No. 151 of 2022
arising out of Khusrupur P.S. Case No. 53 of 2020, F.I.R. dated
27.02.2020 for the offences punishable under Section 395 of
the Indian Penal Code.

According to prosecution case, 7-8 miscreants
assaulted the informant and looted 2 gold rings and cash of Rs.
2,000/- and one mobile phone while he was returning back from
marriage.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of the confessional statement of the co-accused persons, namely, Sanjay Thatera, Ramesh Kewat and Dhananjay Kewat. He further submits that nothing has been recovered from the conscious possession of the petitioner or the house of the petitioner and except the confessional statement of the co-accused persons, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that and till date no T.I.P. has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused persons, namely, Dhananjay Kewat and Sanjay Thathera has been granted bail by the learned Court below. The petitioner is in custody since 16.10.2020.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 14 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of



the bail petition that the petitioner is on bail in 12 cases out of 14 cases.

Considering the aforesaid facts and circumstances 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 the learned Additional Sessions Judge VI, Patna City, Patna in connection with S. Tr. Case No. 151 of 2022 arising out of Khusrupur P.S. Case No. 53 of 2020, subject to 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 absence on two consecutive dates without sufficient reason, his 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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