

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70055 of 2022

Arising Out of PS. Case No.-807 Year-2021 Thana- ALAMGANJ District- Patna

Manoj Kumar @ Mohan Paswan @ Gungwa Son of Mahendra Prasad @ Kira
Paswan R/O Mohalla - Gur-ki-Mandi, P.S.- Alamganj, District – Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
26.11.2021 in connection with Alamganj P.S. Case No. 807 of
2021, F.I.R. dated 27.11.2021 for the offences punishable under
Sections 394/34 of the Indian Penal Code.

Allegation against the petitioner is that he along with
other co-accused persons assaulted the informant by knife upon
which he got injuries. They snatched purse containing
Rs.2000/-, mobile phone, Aadhar Card, PAN Card, ATM Card,
Driving license and cash of rs.15,000/- from the pocket of the
informant.

Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the



present case. He further submits that petitioner has not committed any offence as alleged in the F.I.R. and it appears from the F.I.R. that nothing has been recovered from the conscious possession or the house of the petitioner and petitioner has falsely been implicated in the present case only because he has criminal antecedent of similar nature. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 26.11.2021.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries four criminal antecedents other than the present one but fairly submits that petitioner is on bail in all the cases as mentioned in para-3 of the bail petition.

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 Smt. Piyush Payal learned Judicial Magistrate 1st Class, Patna City in connection with Alamganj P.S. Case No. 807 of 2021, 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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