

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73927 of 2023

Arising Out of PS. Case No.-152 Year-2023 Thana- NAUGACHIA District- Bhagalpur

SUBHAM KUMAR S/O SHAILESH KUMAR R/O DIPUGARHA, NEAR
OF S.P. KOTHI, P.S- HAZARIBAGH, DISTT.- HAZARIBAGH.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Md. Anzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 28-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Naugachiya P.S. Case No. 152 of 2023 registered for the offences punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, on the point of knife four miscreants snatched Rs. 11,000/- in cash, mobile phone of Vivo company and purse from the informant. The miscreants also took away Rs. 22,000/- in cash from the cash counter, Paytm speaker and swipe machine and hence, F.I.R. has been registered against unknown.

4. Learned counsel for the petitioner submits that the alleged vehicle in question belongs to the petitioner and except the vehicle in question, nothing has been recovered from the



possession of the petitioner which is clear from the seizure list itself. Learned counsel for the petitioner orally submits that charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is in custody since 21.07.2023 and bears criminal antecedent of one case. Petitioner is innocent and has not committed any offence as alleged against him in F.I.R. and he has falsely been implicated in the present case on the basis of suspicion.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Naugachia, Bhagalpur in connection with Naugachia P.S. Case No. 152 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without



appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) If the petitioner is found involved in similar nature of offences in future, the learned trial court shall be at liberty to cancel his bail bond.

(Alok Kumar Pandey, J)

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