

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68585 of 2022

Arising Out of PS. Case No.-207 Year-2021 Thana- MUFFASIL District- Aurangabad

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Sachin Kumar @ Sachidanand Kumar @ Sachidanand Kumar R/o Village-
Gandhi Tola, P.S.- Rafiganj, Distt- Aurangabad. Petitioner/s
Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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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
28.03.2022 in connection with Aurangabad Muffasil P.S. Case
No. 207 of 2022 , F.I.R. dated 02.09.2021 for the offences
punishable under Section 392 of the Indian Penal Code.

According to prosecution case, two persons looted
Nikon camera, Vivo mobile and Bluetooth on gun point from
the informant and they all fled away on their bike. It is alleged
that the informant received a call for photoshoot from the
mobile number which was registered in the name of the
petitioner.

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 during investigation on the basis of suspicion. He further submits that the petitioner has been implicated in the present case on account that the sim no. 9341545507 from which the call is made on informant's mobile was registered in the name of the petitioner. He further submits that nothing has been recovered from the conscious possession of the petitioner 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. The petitioner is in custody since 28.03.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one but fairly submits that the petitioner is on bail in both the cases.

Considering the aforesaid facts and circumstances and the 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 Chief Judicial Magistrate,



Aurangabad in connection with Aurangabad Muffasil P.S. Case
No. 207 of 2022, 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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