

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69809 of 2022

Arising Out of PS. Case No.-37 Year-2022 Thana- BELDOUR District- Khagaria

Nandan Kumar Son of Bilash Yadav Resident of Village- Mali, P.S.- Beldaur,
District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 11-01-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with
Beldaur P.S. Case No. 37 of 2022 registered for the offence
punishable under Section 392 of the Indian Penal Code.

As per allegation four unidentified persons riding on
two motorcycle firstly overtook the informant's motorcycle and
thereafter dashed their motorcycle against the informant's
motorcycle and at the time of alleged occurrence the informant
was returning with his wife and friend from a marriage
ceremony and after the informant and his companion fell down,



the accused persons snatched away a hand bag containing Rs. 3000, ATM card from the possession of informant's wife and also looted informant's motorcycle and later on informant came to know about the two co-accused persons, namely Shailendra and Aashik being involved in the alleged occurrence of loot.

The main submissions advanced by learned counsel Mr. Viveka Nandsingh appearing for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 19727 of 2022 for the relief of bail which was rejected by this Court with giving a liberty to the petitioner to renew his bail prayer after the framing of charge and accordingly the petitioner filed his second bail prayer before Court below after the framing of the charge but his prayer was rejected and thereafter the petitioner again approached this Court for the same relief. Further submission is that upon the petitioner the charge has been framed on 29.07.2022 and he is not named in the FIR and from his possession any looted article was not recovered and he has fair and clean antecedent and languishing in jail since 15.02.2022 and after his arrest in the instant matter he was not put on Test Identification Parade.

Learned APP Mr. Shantanu Kumar appearing for the State has opposed the bail prayer.



Heard both the sides. Though, the allegation appearing against the petitioner is serious in nature but considering his custody period and also the fact that the charge has been framed upon him by the trial court and his case is at initial stage of trial and he has fair and clean antecedent and he is stated to be a young person, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner 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 Court concerned in connection with Beldaur P.S. Case No. 37 of 2022, on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be close a relative of the



petitioner who has sworn affidavit in this miscellaneous petition.

(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

