

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73034 of 2023**

Arising Out of PS. Case No.-274 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champanan

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BHARAT BHUSHAN KUMAR @ MUNNA CHAUBEY S/o NAGENDRA
CHAUBEY R/o vill - Rulahi, P.S. - Muffasil Motihari, Distt. - East
Champanan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-11-2023

Heard the parties.

2. The petitioner is in custody in connection with
Muffassil Motihari P.S. Case No. 274 of 2023 for the offence
under sections 394 of the Indian Penal Code lodged on
08.04.2023 by the informant, Pramod Shah.

3. As per the prosecution story, the allegation is that
on knife point, the accused persons looted Rs. 2000 and in the
process also injured him who in injured condition came to the
Sadar Hospital on motorcycle, got himself treated whereafter
the FIR.

4. Learned counsel for the petitioner submits that he
has been falsely implicated in this case, is in custody since
21.05.2023, had no role to play in the matter and his name has
come in the confessional statement of Aman Kumar with whom



he has previous enmity.

5. Further, without accepting the allegation and/or the result of the case, in view of the fact that the informant side suffered injuries, on humanitarian ground, he want to make a payment of Rs. 5,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

6. Learned APP opposes the prayer for bail.

7. Taking into account the aforesaid facts as also that his name has come in the confessional statement, is in custody since 21.05.2023 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the Trial Court.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned C.J.M, Motihari/concerned Court, in connection with Muffassil Motihari P.S. Case No. 274 of 2023 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

9. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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