

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71483 of 2022**

Arising Out of PS. Case No.-350 Year-2022 Thana- MURLIGANJ District- Madhepura

Chander Bhushan Kumar Son Of Bedanand Yadav R/O Vill.- Brindawan,  
Ward No. 08, P.S.- Murliganj, Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      18-05-2023                      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  
02.08.2022 in connection with Murliganj P.S. Case No. 350 of  
2022, F.I.R. dated 31.07.2022 for the offences punishable under  
Section 395 of the Indian Penal Code.

According to prosecution case, the petitioner along  
with other accused persons looted away the sale proceeds of Rs.  
1,50,000/- and one android Vivo mobile from the shop of the  
informant.

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 confessional statement of the co-accused person, namely, Shubham Kumar Suman. He further submits that it has come during investigation that one country made pistol, three cartridges and Rs. 18,500/- have been recovered from the possession of the petitioner. He further submits that Rs. 18,500/- which was recovered from the possession of the petitioner is not the looted amount and the same is the personal amount 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. He further submits that similarly situated, co-accused, namely, Shubham Kumar Suman @ Sonu Kumar has been granted bail by a Co-ordinate Bench of this Court vide order dated 15.03.2023 passed in Cr. Misc. No. 67849 of 2022. The petitioner is in custody since 02.08.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.



Considering the aforesaid facts and circumstances, 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 1<sup>st</sup> Class, District- Madhepura in connection with Murliganj P.S. Case No. 350 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)**

Vanisha/-

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