

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72575 of 2022

Arising Out of PS. Case No.-109 Year-2022 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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KUNDAN KUMAR S/o Chendeshwar Thakur @ Shiv Chandra Thakur R/v-
Harishankar Maniyari, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.
For the Opposite Party/s : Mr.Nityanand, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 10-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sadar P.S.
Case No. 109 of 2022 dated 28.02.2022 registered for the offence
under Sections 392 of the Indian Penal Code.

Unknown miscreants are stated to have committed
loot of Rs. 25,08360/- on the point of pistol from the informant.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that the petitioner has not been
named in the F.I.R., however, he has been made accused in this
case on the basis of his self confession recorded in connection
with Sadar P.S. Case No. 157 of 2022. In fact, nothing
incriminating, as alleged in the F.I.R, has been recovered from the



house or conscious possession of the petitioner. No T.I.P. has been conducted till date by the prosecution. He further submits that similarly situated co-accused, namely, Ravi Pandey has already been granted bail by a co-ordinate Bench of this Court vide order dated 11.10.2022 passed in Cr. Misc. No. 40196 of 2022. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 03.09.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries four more cases other than the present one.

Considering the facts and circumstances of the case, let the, above named, 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 learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur (Sadar) P.S. Case No. 109 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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