

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73765 of 2022

Arising Out of PS. Case No.-382 Year-2022 Thana- MURLIGANJ District- Madhepura

HALCHAL KUMAR S/O Mohichan Yadav @ Mohichand Yadav @
Mohichandra Yadav R/O Village- Parmanandpur, Ward No- 12, P.S-
Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.
Mr. Binod Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 02-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Murliganj P.S. Case No. 382 of 2022 dated 23.08.2022
registered for the offence under Sections 394 and 411 of the
Indian Penal Code and Section 25(1-b)a, 26 and 35 of the
Arms Act.

The case relates to commission of loot of
motorcycle, mobile and cash of Rs. 2000/- of the informant
on the point of gun shot.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, 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, his name transpired in this case on the basis of confessional statement of the co-accused, Amarjeet Kumar on whose disclosure, one motorcycle and one loaded country made Katta has been recovered from the possession of the petitioner. He further submits that the recovered motorcycle was not a looted motorcycle and in fact, the same belongs to the petitioner. 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 25.08.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

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 A.C.J.M.-1, Madhepura in connection with Murliganj P.S. Case No. 382 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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