

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79756 of 2023

Arising Out of PS. Case No.-64 Year-2022 Thana- AKBARNAGAR District- Bhagalpur

LOVELY SHARMA Son of Binod Sharma @ Binod Mistri R/o vill -
Tilakpur, P.s. - Sultanganj, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

For the Opposite Party/s : Mr.Kanhiya Kishor

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Akbarnagar P.S. Case No. 64/2022 registered for the offences punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, the informant's motorcycle, mobile and bag containing ATM card alongwith Pin snatched by the four miscreants aged about 20-25 and when informant protested them, they threatened to kill him. It is further alleged that through ATM card, they withdrew Rs.1500 at 08:01 AM, Rs.4000/- at 08:16 AM and Rs.3000 at 08.18 A.M.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and the name of the



petitioner transpired in this case on the basis of confessional statement of co-accused Rishiraj Sharma. Except confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. The petitioner is languishing in custody since 06.05.2023 and bears criminal antecedent of seven cases. No incriminating article has been recovered from the conscious possession of the petitioner. He orally submits that the petitioner has not been put on T.I. Parade till date. He further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner keeping in view criminal antecedent of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Bhagalpur in connection with Akbarnagar P.S. Case No. 64/2022, subject to following conditions:-



(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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