

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3973 of 2023

Arising Out of PS. Case No.-205 Year-2022 Thana- Begusarai Town District- Begusarai

ADITYA KUMAR Son of Gopal Prasad Shiv R/V- Chandra Nagar Ranko,
P.S- Muffasil, Dist- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
01.09.2022 in connection with Town P.S. Case No. 205 of 2022,
F.I.R. dated 04.04.2022 for the offences punishable under
Sections 394, 412 of the Indian Penal Code.

The allegation against the petitioner is to commit
robbery, and while committing so, taken away Scorpio vehicle,
which belongs to the informant, along with other co-accused
persons.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that 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 co-accused namely, Rupak Kumar and nothing has been made from the conscious possession of the petitioner rather the recovery has been made from the co-accused Rupak Kumar and till date no TIP has been conducted by the prosecution. He further submits that similarly situated, co-accused, namely, Rupak Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 23.09.2022 passed in Cr. Misc. No. 39010 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 01.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 co-accused namely, Rupak Kumar, 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, Begusarai in connection with Town P.S. Case No. 205 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)

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