

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1765 of 2023

Arising Out of PS. Case No.-536 Year-2021 Thana- KORHA District- Katihar

Jai Krishna Kumar, Son of Late Balram Mandal, (father) Widow Kamo Devi (Mother), Resident of Village - Govindpur, Diyara, P.S.- Falka, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-04-2023 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.

Heard Mr. Shambhu Sharan Singh, learned counsel appearing on behalf of the petitioner and the learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Korha P.S. Case No. 536 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

It is alleged that while the Branch Manager, Unit Manager and other two persons were going to Korha, suddenly one person boarded on a bike, came and hit the vehicle of one of the colleague of the informant and, in the



meantime, some miscreants came and took away the cash amount and snatched the other valuables on the point of pistol. It is further alleged that all the miscreants covered their faces by *gamcha*.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against unknown miscreants, however, during the course of investigation, name of the petitioner has sprung up on the confessional statement of the co-accused Amit Kumar and, save and except the confessional statement, there is no other material suggesting the complicity of the petitioner in the present crime. He further submits that the petitioner was taken into custody on 08.02.2022, but till date he has not been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession. He next submitted that only because of the fact that the petitioner is named in other two criminal cases, his name has been implicated in this case.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has surfaced in the confessional



statement of co-accused persons.

Regard being had to the submissions made on behalf of the parties and considering the fact that nothing has been recovered from the person or possession of the petitioner, coupled with the period of custody, let the petitioner, named above, 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 Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 536 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable



to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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