

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.743 of 2023

Arising Out of PS. Case No.-271 Year-2022 Thana- NAWADA MUFFASIL District- Nawada

Ashok Kumar @ Ashok Kumar Tiwari @ Tiwari S//O Devendra Prasad R/V-
Pararia, P.S.- Nardiganj, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
27.09.2022 in connection with Muffasil P.S. Case No. 271 of
2022, F.I.R. dated 16.09.2022 for the offences punishable under
Section 392 of the Indian Penal Code.

According to prosecution case, informant namely,
Pankaj Kumar is working as Relationship Officer and as usual
informant has gone for collection in the village and after
collection he received total Rs.1,15,601/- (Rupees one lac
fifteen thousand six hundred and one only) and in the meantime
four miscreants surrounded the informant by two motorcycles
and on the point of pistol snatched the bag and mobile of the
informant.



Learned counsel for the petitioner submits that petitioner is innocent 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 suspicion, except the suspicion no other cogent material has come against the petitioner to suggest the involvement of the petitioner in the present occurrence. He further submits that nothing has been recovered from the conscious possession or the house of the petitioner and till date no TIP has been conducted by the prosecution. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 27.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which he is on bail.

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 suspicion and nothing has been recovered from the conscious possession of the petitioner, 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 Additional Chief Judicial Magistrate-IV, Nawada in connection with Muffasil P.S. Case No. 271 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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