

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.219 of 2023

Arising Out of PS. Case No.-104 Year-2022 Thana- SIWAIPATTI District- Muzaffarpur

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Avinash Kumar, Son of Late Kishori Ray, R/O Village- Basudev Banua, P.S.-
Siwaipatti, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-03-2023 Heard Mr. Jitendra Narain Sinha, learned counsel for

the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Siwaipatti P.S. Case No. 104 of 2022 registered
for the offence punishable under Section 392 of the Indian Penal
Code.

It is alleged that on on 11.06.2022 while the petitioner
was returning from SKMCH two motorcycle born criminal
surrounded him and started assaulting by fists and slaps and also
snatched mobile and cash of Rs.5,000/- from his pocket. It is
further alleged that later on with the help of local people, the
petitioner was apprehended.

Learned counsel appearing on behalf of the petitioner
submits that from the F.I.R. it would be evident that nothing has
been recovered from the person or possession of the petitioner,



apart from the fact that eight persons have been named in the F.I.R. He next submits that both the petitioner and the informant are residing within the same locality and at the instance of some motivated persons, his name has been implicated in this case knowing the fact of his involvement in three criminal cases, as has been mentioned in para. 3 of the petition. He lastly submits that the petitioner is in custody since 13.06.2022 and now the investigation of the crime is complete and the charge-sheet has been submitted.

On the other hand learned APP for the State opposes the bail application and submits that the petitioner was apprehended at the spot while he was fleeing after snatching the valuables.

Regard being had to the submissions made on behalf of the parties and considering the fact that no recovery has been made from the possession of the petitioner and the investigation of the crime is already complete and charge-sheet has been submitted and, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, East Muzaffarpur, in connection with Siwaipatti P.S. Case No. 104 of



2022, 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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