

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9861 of 2024

Arising Out of PS. Case No.-271 Year-2023 Thana- NAWANAGAR District- Buxar

Suraj Kumar @ Mual @ Suraj Yadav S/O Lalan Singh Yadav, r/o Village-
Mahadev Ganj, PS.- Nawanagar, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mr. Vivekanand Singh, the learned counsel

for the petitioner and Mr. Manoj Kumar, the learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in

connection with Nawanagar PS Case No. 271 of 2023, FIR

dated 15.07.2023, registered for the offence punishable under

Section 395 of the Indian Penal Code.

3. According to prosecution case, six unknown

persons stopped the vehicle of the informant on the point of a

pistol like weapon and stole Rs. 600/- (Rupees six hundred)

from his car and threw away his mobile phone.

4. 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 the

petitioner is not named in the FIR and his name transpired during investigation on the basis of confessional statement of the co-accused person namely, Mahendra Singh @ Mahendra Yadav and except the confessional statement of the co-accused, there is no any cogent material suggesting the involvement of the petitioner in the present occurrence.

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

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent and his name transpired on the basis of confessional statement of the co-accused person, let the petitioner, above-named, in the event of his arrest or surrender before the Court below, within a period of four weeks from the date of receipt of the order, be released on anticipatory 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, Buxar, where the case is pending in connection with **Nawanagar PS Case No. 271 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). 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.

(ii). 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.

(iii). 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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