

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17595 of 2024

Arising Out of PS. Case No.-11 Year-2023 Thana- NAYAGAON District- Saran

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Hari Kishore Prasad @ Doctor, Son Of Rajendra Prasad Resident Of Village-
Gopalpur, Ps- Bhagwanpur Hat, Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nayagaon P.S. Case No. 11 of 2023, lodged on 26.01.2023
under Section 392 of the Indian Penal Code.

3. As per the prosecution case, FIR has been lodged
against three to four unknown accused persons, against whom
there is an allegation that they have looted mobile phones and a
vehicle from the informant and his workers and fled away.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel
also submits that the petitioner is not named in the FIR, but his
name has been figured in this case only by virtue of
confessional statement of the co-accused. Counsel further



submits that nothing incriminating has been recovered from the petitioner's possession nor he was put on TIP.

5. Learned counsel for the petitioner submits at the instance of police, petitioner's name has been inserted in this case due to the reason that his criminal antecedent is not clean and there are nine criminal cases pending against him in which in some of the cases, he is on bail and in some of the cases, he is persuading for bail. The petitioner is in custody since 28.07.2023 in the present case. Counsel also submits that the offences in which the case has been filed is of magisterial triable. Counsel further submits that the charge-sheet has already been submitted in this case.

6. Learned APP for the State opposes the prayer for bail of the petitioner and submits that the criminal antecedent of the petitioner is not clean and this aspect may be taken into consideration while considering the bail application of the petitioner.

7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to



the satisfaction of learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Nayagaon P.S. Case No. 11 of 2023, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

8. However, the petitioner shall be granted bail only on being satisfied by the Trial Court that the petitioner is not



absconding in any of the cases pending against him whose details are as follows:-

- (I)- Bhagwanpur Hat P.S. Case No. 86 of 2005.
- (II)- Bhagwanpur Hat P.S. Case No. 87 of 2011.
- (III)- Bhagwanpur Hat P.S. Case No. 56 of 2011.
- (IV)- Bhagwanpur Hat P.S. Case No. 20 of 2019.
- (V)- Bhagwanpur Hat P.S. Case No. 13 of 2023.
- (VI)- Bhagwanpur Hat P.S. Case No. 39 of 2023.
- (VII)- Amnaur P.S. Case No. 89 of 2023.
- (VIII)- Taraiya P.S. Case No. 7 of 2023.
- (IX)- Taraiya P.S. Case No. 5 of 2022.

(Dr. Anshuman, J.)

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