

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18509 of 2024

Arising Out of PS. Case No.-5 Year-2022 Thana- TARAIIYA 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 BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawal Singh

For the Opposite Party/s : Mr.Akbar Ali

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Taraiyan P.S. Case No. 05/2022 registered for the offences
punishable under Section 392 of the Indian Penal Code.

3. As per prosecution case, four unknown persons on
a white colour car stopped the informant's Bolero Pickup van. It
is further alleged that accused persons snatched the Pickup van
and fled away towards Mashrak.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has falsely been implicated in this
case. The petitioner is not named in the FIR. The name of
petitioner transpired in this case on the basis of confessional
statement of co-accused Rohit Kumar. Except confessional



statement of co-accused, there is nothing on record to demonstrate the complicity of the petitioner with the alleged occurrence. Nothing has been recovered from the conscious possession of the petitioner. The petitioner bears criminal antecedent of nine cases. The police has implicated the petitioner in one case after another without any basis. The petitioner is languishing in custody since 04.08.2023. The petitioner has not been put on T.I. Parade till date. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Co-accused Pankaj Kumar and Rahul Kumar Kumar have already been granted bail by this Court vide Cr. Misc. No.31368/2022 and Cr. Misc. No.35602/2022 and Rohit Kumar @ Rohit Kumar Prasad upon whose confession, the name of present petitioner surfaced in this case, has already been granted bail by the co-ordinate Bench of this Court vide Cr. Misc. no.63319/2022 and the case of present petitioner stands more or less on similar footing.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, co-accused persons have already been granted bail, charge sheet has been submitted in this case and



there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named 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 the learned A.C.J.M.-1st, Saran at Chapra in connection with Taraiyan P.S. Case No. 05/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial Court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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