

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17226 of 2024

Arising Out of PS. Case No.-185 Year-2023 Thana- SARAI RANJAN District- Samastipur

Kundan Kumar S/O- Vijay Paswan @ Bijay Paswan R/O- Village- Musapur,
P.S.- Sarairanjan (ghatho O.P.), Dist.- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Pratap, Advocate

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Sarairanjan (Ghatho O.P.) P.S. Case No.185 of 2023, lodged on
11.06.2023, under Section 392 of the Indian Penal Code. In this
case cognizance has been taken under Sections 395/412 of the
Indian Penal Code.

3. As per the prosecution, FIR has been lodged against
two unknown accused persons against whom there is allegation
of robbery.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. Counsel



further submits that name of the petitioner has figured in this case by virtue of his self-confessional statement. Counsel submits that in the present case he has been remanded on 16.08.2023. He was already arrested in another case. Nothing incriminating has been recovered from the possession of the petitioner nor the petitioner was put on Test Identification Parade. Counsel submits that antecedent of the petitioner is not clean. There are four criminal cases pending against him, in which he is on bail in three cases and in one he is persuading bail.

5. Learned counsel for the State opposes the prayer for bail and submits that allegation of robbery is there against the petitioner but cognizance has been taken in dacoity which is sessions triable case.

6. Considering the fact that there is no material against the petitioner in the present case, let the petitioner, above named, be granted bail **after framing of the charge, if not framed, but only on being satisfied by the trial Court that the petitioner is not absconding in the pending cases i.e., (i) Sarairanjan (Ghatho O.P.) P.S. Case No.50/2022, (ii) Sarairanjan (Ghatho O.P.) P.S. Case No.215/2023, (iii) Sarairanjan (Ghatho O.P.) P.S. Case No.128/2022, (iv)**



Tajpur P.S. Case No.337/2023, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Samastipur, in connection with Sarairanjan (Ghatho O.P.) P.S. Case No.185/2023, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure with other 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.

(Dr. Anshuman, J)

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