

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20880 of 2024

Arising Out of PS. Case No.-344 Year-2023 Thana- SAHPUR District- Bhojpur

Pradip Kumar @ P.S. Smrat Son Of Late Surendra Paswan R/O-Chhotki
Chanda, P.S.-Koilarwar, Distt.-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Singh, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Shahpur P.S. Case No. 344 of 2023 lodged on 29.7.2023 under
Section 392 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against two unknown accused persons with an allegation
of committing robbery.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. The
petitioner is not named in the FIR, rather his name has figured
on the basis of confessional statement of co-accused. The
petitioner has been made accused in the present case at the
instance of the police as the antecedent of the petitioner is not



clean. He is accused in five more criminal cases and is in custody since 28.11.2023. Moreover, no incriminating article has been recovered from his possession.

5. Learned counsel for the State opposes the prayer for bail and submits that at the time of considering the prayer for bail of the petitioner, this aspect must be taken into consideration that the antecedent of the petitioner is not clean.

6. 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 CJM, 1st Bhojpur, Ara, 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.

7. The learned court below shall release the petitioner on bail only after framing of charge, if not framed as well as on being satisfied that the petitioner is not absconding in any of the cases as mentioned in paragraph no.3 of the petition as under :-

(1) Ara Muffasil P.S. Case No. 315 of 2023

(2) Shahpur P.S. Case No. 368 of 2023

(3) Shahpur P.S. Case No.344 of 2023

(4) Barhara P.S. Case No. 422 of 2023

(5) Udwant Nagar P.S. Case No. 290 of 2023

(Dr. Anshuman, J)

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