

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31098 of 2024

Arising Out of PS. Case No.-175 Year-2022 Thana- KOPA District- Saran

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Praful Pathak @ Praful Kumar Pathak @ Rishu Pathak S/O Indu Shekhar
Pathak R/O Village- Sargatti, P.O And P.S- Sargatti, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Archana Sinha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 21-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Kopa P.S. Case No. 175 of 2022 dated 29.09.2022, instituted for
the offence punishable under Section 394 of the Indian Penal
Code.

3. The prosecution case, in short, is that while the
informant along with Jitendra Kumar was coming back to home
and reached near Kumna Dam, two motorcycles came and
stopped them and motorcycle-borne persons started assaulting
by means of butt of country made pistol, due to which the
informant was injured. On threat of knife, they snatched mobile
phone, cash, SIM card, gold chain and wrist watch from them
and fled away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is submitted that the petitioner is not named in the F.I.R. The F.I.R. has been lodged against six unknown persons. Only on the basis of confessional statement of co-accused, the petitioner has been made accused in this case. It is submitted that nothing has been recovered either from the possession of the petitioner or from the house of the petitioner. It is submitted that petitioner is working in a private company at Chapra as M.R. in Procter & Gamble Company and the petitioner earlier in the year 2021-22 was employed in Burnettt Company as M.R. in Chapra. Lastly, it has been submitted that the petitioner has three criminal antecedents against him.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner in connection with Kopa P.S. Case No. 175 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned J.M., 1st Class, Saran at Chapra, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to 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 on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(ii). One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(iii). The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(iv). 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.

(v). The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Khatim Reza, J)

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