

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39858 of 2024

Arising Out of PS. Case No.-338 Year-2023 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Prince Kumar @ Prince Kumar Singh Son of Mahesh Prasad @ Mahesh Pd.
Singh Resident of Village - Mirjapur, Police Station - Vidyapatinagar, District
- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anu Priyadarshni, Advocate
	:	Mr. Utsav, Advocate
For the Opposite Party/s :		Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-09-2024 Heard Mr.Anu Priyadarshni, learned counsel for the

petitioner and Mr.Shyameshwar Dayal, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
01.01.2024 in connection with Mohiuddin Nagar P.S. Case No.
338 of 2023 F.I.R. dated 11.12.2023 registered for the offence
punishable under Section 395 of the Indian Penal Code.

3. The FIR of the occurrence of Dacoity is against
unknown.

4. Learned counsel appearing for the petitioner
submits that the petitioner has falsely been implicated in the
present case. Petitioner is not named in the FIR. The name of



the petitioner has been transpired during investigation on the basis of confessional statement of co-accused person, namely, Subodh Kumar which was recorded in Mohiuddinnagar P.S. Case No.01 of 2024 and till date no TIP has been conducted by the prosecution and apart from that, no other material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and the police, after investigation, submitted charge-sheet against the petitioner and the petitioner is in custody since 01.01.2024.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits that out of two cases, the petitioner is on bail in one case and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned learned Judicial Magistrate 1st Class, Samastipur in connection with Mohiuddin Nagar P.S. Case No. 338 of 2023 with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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