

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43933 of 2024

Arising Out of PS. Case No.-552 Year-2023 Thana- WAJIRGANJ District- Gaya

Mohit Kumar s/o Sanjay Singh @ Sanjay Kumar Singh R/o village- sahiya,
p.s.- Wazirganj, dist.- gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Priya Ranjan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-06-2024 Heard Mr. Priya Ranjan, learned counsel for the
petitioner and Mr. Amitesh Kumar, learned Additional Public
Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
15.04.2024 in connection with Wazirganj P.S. Case No. 552 of
2023, F.I.R. dated 01.09.2023 for the offences punishable under
Section 392 of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with other accused persons have assaulted the informant and his
friends and looted Rs. 17,000/- through PhonePe.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case merely on the basis of the disclosure made by the
co-accused person and except disclosure no other material has



come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that it appears from the F.I.R that there is no specific allegation against this petitioner and even the person who has transferred the amount in question from the informant's phone has been granted bail by a co-ordinate Bench of this Court vide order dated 15.01.2024 passed in Cr. Misc. No. 85861 of 2023. The petitioner is in custody since 15.04.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries 2 criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in both the cases.

6. Considering the aforesaid facts and circumstances, 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 the learned Additional Chief Judicial Magistrate, 1st Gaya in connection with Wazirganj P.S. Case No. 552 of 2023, subject 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 shall remain physically present as directed 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. 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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