

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46750 of 2024

Arising Out of PS. Case No.-179 Year-2022 Thana- PHULPARAS District- Madhubani

Kirandeo Kumar @ Shivam Kumar Son Of Kapildeo Kumar Mahto @
Kapildeo Mahto @ Kapildev Village- Barua Raun, P.S.- Alauli, Distt.-
Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Bharti
For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Phulparas P.S. Case No. 179/2022,
corresponding to G.R. No. 625/2022 registered for the offence
punishable under Section 392 of the Indian Penal Code.

3. Allegedly, while the informant was returning on his
motorcycle, in the meantime three miscreants came on a
motorcycle, intercepted him on the point of pistol and looted
away his motorcycle and valuables.

4. Learned Advocate for the petitioner contended that
the F.I.R. has been instituted against three unknown miscreants.
However, during the course of investigation, the name of the
petitioner has surfaced from the confessional statement of co-
accused. Save and except, the confessional statement there is no
material suggesting any complicity of the petitioner in crime.



Neither, the petitioner has been put on Test Identification Parade nor any incriminating material has been recovered from his possession. The reason behind the false implication of the petitioner is his two criminal antecedents as mentioned in paragraph 3 is the contention of the petitioner. The petitioner is in custody since 11.12.2023.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the name of the petitioner has come during course of the investigation.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is in custody since 11.12.2023, however, till date he has not been put on TI Parade, coupled with the fact that the investigation of the crime is complete and the chargesheet has also been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Iind, Jhanjharpur, Madhubani in connection with Phulparas P.S. Case No. 179 of 2022, corresponding to G. R. No. 625 of 2022, subject to the condition that one of the bailors will be



the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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