

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52213 of 2024

Arising Out of PS. Case No.-74 Year-2023 Thana- KADIRGANJ District- Patna

Manish @ Sonu Son of Brijnandan Prasad Resident of village - Gulariya
Bigha, P.S.- Dhanarua, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Kumari Anjani Sinha, Advocate
	:	Mr. Nityanand Neeraj, Advocate
For the Opposite Party/s	:	Mr. Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2024 Heard Ms. Kumari Anjani Sinha, learned counsel for
the petitioner as well as Mr. Ajeet Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Kadirganj P.S. Case No. 74 of 2023, F.I.R.
dated 29.05.2023 for the offences punishable under Section 394
of the Indian Penal Code.

3. According to prosecution case, the petitioner along
with other unknown accused persons stopped the informant's
motorcycle at SP sinn and snatched away his motorcycle and
two mobiles.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. She further submits that in fact



the petitioner is not named in the F.I.R., and the name of the petitioner is transpired on the basis of the confessional statement of the co-accused person namely Dharmveer Kumar. She further submits that looted mobiles have been recovered from the possession of the co-accused person namely, Dharmveer Kumar and except the confessional statement of the said co-accused person, there is no other material which suggest the involvement of the petitioner in the present occurrence.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent, the petitioner is not named in the F.I.R. and the name of the petitioner is transpired on the basis of the confessional statement made by the co-accused person, namely, Dharmveer Kumar, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 Chief Judicial Magistrate, Masaurhi in connection with Kadirganj P.S. Case No. 74 of 2023, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and with other 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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