

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49435 of 2024

Arising Out of PS. Case No.-414 Year-2019 Thana- SHAHPUR PATORI District- Samastipur

Survir Kumar @ Survir @ Suryaveer Kumar @ Suryaveer Das @ Suraj Veer
Das @ Suryaveer Son of Balram Das R/O Village - Dhamon, P.S.- Patori,
District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Shahpur Patori P.S. Case No. 414/2019 registered under Section 394 of the Indian Penal Code lodged on 23.10.2019 by the informant, Abhishek Kumar.

3. As per the prosecution story, the informant Abhishek Kumar who is an employee (cashier) of Midland Micro Finance Company, made a written complaint before the SHO Patori Police Station, Samastipur, alleging inter alia that on 23.10.2019 at about 3:00 PM when the informant was working in his branch office, two persons took out pistol from their waist and put on informant temples and asked about the



cash and further threatened to immediately hand over the cash or face consequence. As the informant stated that they are with Branch Manager who is absent he was assaulted on head by the 'butt' of pistol and for this act the informant sustained injury.

4. Learned counsel for the petitioner submits that he is in custody since year 2021, has been remanded in the present case 03.04.2024 (Paragraph 15) of the petition and though he is in custody for long, no TI Parade conducted and neither any looted material/articles was recovered from his conscious possession.

5. Learned APP for the State opposes the prayer and submitted that petitioner has eleven criminal antecedents.

6. Though the petitioner has criminal antecedent it is his case that TI Parade not conducted nor anything recovered from his possession and he will diligently appear in trial, this Court is inclined to grant him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. IV, Samastipur in connection with Shahpur Patori P.S. Case No. 414/2019 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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