

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52681 of 2024

Arising Out of PS. Case No.-248 Year-2023 Thana- BHELDI District- Saran

Akash Kumar, S/O Manoj Prasad, R/O Village- Pirari, P.S- Derni, Distt.- Saran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-08-2024 Heard learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The application for grant of bail to the petitioner who is in custody in connection with Bheldi P.S. Case No. 248 of 2023 registered for the offence punishable under Section 392 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that while the informant was going to attend a meeting after collecting an amount of Rs. 1,68,795/- from different center, in the mean time, he was intercepted by two miscreants riding on a motorcycle. On the point of pistol the miscreants snatched the bag of the informant containing the aforementioned amount and other valuables.



4. Learned Advocate appearing on behalf of the petitioner contended that the FIR has been instituted against unknown miscreants however, the petitioner has later on remanded in this case on 28.03.2024, while he was in custody in connection with Bheldi P.S. Case No. 53 of 2024. It is further contended that though the petitioner is in custody in this case since 28.03.2024, but, till date he has not been put on Test Identification Parade. Moreover, barring the confessional statement of the petitioner, and other accused person, there is no material suggesting the complicity of the petitioner in the present crime. It is also the contention of the petitioner that no incriminating material has been recovered from his person or possession. So far the other two cases, which have been mentioned in paragraph no. 3, the petitioner is on bail.

5. On the other hand, learned Additional Public Prosecutor for the State vehemently opposes the bail application and submits that in the confessional statement the petitioner has admitted this fact that looted materials have been destroyed and the accused persons have distributed the cash amount. The petitioner also bears two criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner



is in custody since 28.03.2024 in connection with the present case however, till date the petitioner has not been put on Test Identification Parade, there is no recovery of any incriminating material coupled with the fact that the investigation of the crime is complete and the chargesheet has 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 Additional Chief Judicial Magistrate-XI, Saran, Chapra in connection with Bheldi P.S. Case No. 248 of 2023, 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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