

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58299 of 2024

Arising Out of PS. Case No.-61 Year-2024 Thana- TAJPUR District- Samastipur

KUNDAN KUMAR S/O BIJAI KUMAR RAI RESIDENT OF VILLAGE-
LOHAGIR, P.S- UJIARPUR, DISTT.- SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 20-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Tajpur (Waini O.P.) P.S. Case No. 61 of 2024 for the offence punishable under Sections 392 of the Indian Penal Code lodged on 11.02.2024 by the informant, Manoj Kumar Sah.

3. As per the prosecution story, the informant alleged that the unknown persons on a motorcycle came to C.S.P. center and on the point of revolver took away Rs. 35,000/- and a mobile. This led to the FIR.

4. Learned counsel for the petitioner submits that he came into judicial custody immediately after the offence, the fact remains that nothing has been recovered from his conscious possession rather looted mobile has been recovered from the



possession of Raja Kumar Singh and Sanjeev Kumar Suman.
Further, despite being in custody since long, no TIP conducted.

5. Learned APP opposes the prayer submitting that he has criminal antecedent and co-accused Raja Kumar Singh has named him.

6. Considering the aforesaid submissions put forward by the parties as also the fact that he is in custody since 25.04.2024 (para-7 of the petition) but no TIP conducted as stated in the petition, the recovery/seizure is from Raja Kumar Singh and Sanjeev Kumar Suman, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M.-1, Samastipur, in connection with Tajpur (Waini O.P.) P.S. Case No. 61 of 2024 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 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 bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his 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 the 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 his bail bonds.

(Rajiv Roy, J)

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