

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55458 of 2024

Arising Out of PS. Case No.-52 Year-2022 Thana- SHEKHPURA District- Sheikhpura

Fantus Kumar @ Baba Lockdown @ Fantus Son Of Devendra Yadav Village-
Nimiyatar, Ward No. 16, Ps-M Badhaiya, Dist- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Adv.

For the Opposite Party/s : Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 07-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Sheikhpura (Sirari O.P.) P.S. Case No. 52 of 2022 dated
12.02.2022 lodged under Section 392 of the I.P.C.

3. As per the prosecution case, the F.I.R. has been
lodged against three unknown accused persons against whom,
there is an allegation that they have committed robbery with the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that F.I.R. has been lodged against unknown accused persons
and nothing incriminating has been recovered from the
possession of the petitioner, nor he was put on T.I.P. He further
submits that the co-accused person has been granted bail by this
Court vide order dated 07.06.2023 passed in Cr. Misc. No.

27827 of 2023. He further submits that the petitioner is in custody since 24.07.2023 having three criminal antecedents in which he is persuading for bail. He further submits that the case in which the petitioner has been arrested is magisterial triable in nature.

5. Learned A.P.P. for the State opposes the prayer for bail and submits that antecedent of the petitioner is not clean.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail (**only after framing of charge, if not framed**) on furnishing bail bonds of Rs. 30,000/- (Rupees Thirty Thousand Only) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sheikhpura in connection with Sheikhpura (Sirari O.P.) P.S. Case No. 52 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

(i) one of the bailors should be the family member 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 bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

7. It is made clear that the Trial Court shall accept the bail bond of the petitioner on being satisfied that he is not absconding in the cases pending against him, as follows:-

- (i) Badhaiya P.S. Case No. 62 of 2022.
- (ii) Badhaiya P.S. Case No. 66 of 2022.
- (iii) Badhaiya P.S. Case No. 146 of 2023.

8. With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

sadique/-

U		T	
---	--	---	--