

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62753 of 2024

Arising Out of PS. Case No.-118 Year-2022 Thana- DHANGAI District- Bhojpur

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Mantu Kumar, S/o Brijmohan @ Brijmohan Paswan, R/o Village- Majhiaon,
P.S.- Piro, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-09-2024 Heard the parties.

2. The petitioner seeks regular bail, who is in custody in connection with Dhangai P.S. Case No. 118 of 2022 registered for the offence punishable under Section 392 of the Indian Penal Code.

3. Allegedly while the informant was going to his CSP shop on his motorcycle, in the meantime, three miscreants boarding on a motorcycle overtook him and snatched a bag containing Rs.40,000/-. The miscreants also looted Rs.41,000/-, which was kept in his jacket.

4. Learned Advocate for the petitioner contended that the F.I.R. has been instituted against unknown miscreants.



However, the petitioner was apprehended in connection with Karakat P.S. Case No. 44 of 2023 and from the said case he was remanded in the present case. The petitioner is in custody since 18.12.2023, but till date he has neither been put on Test Identification Parade nor any incriminating material has been recovered from his person or possession. The reason behind the implication of the name of the petitioner is said to be his past five criminal antecedent, as has been disclosed in para. 3 of the application. It is lastly contended that co-accused person, having more or less identical allegation, has been allowed the privilege of bail in Cr. Misc. No. 50707 of 2024 vide order dated 24.07.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner bears five criminal antecedent, which speaks loud about his involvement in identical nature of crime.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and the fact that the investigation of the crime is complete and charge-sheet has been submitted, but without their being any TIP, coupled with the fact that co-accused person, having identical allegation, has been allowed the privilege of bail by this Court



and the crime, in question, is triable by the Magistrate, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Dhangai P.S. Case No. 118 of 2022, 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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