

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72098 of 2024

Arising Out of PS. Case No.-3 Year-2024 Thana- PIRI BAZAR District- Lakhisarai

Santosh kumar Son of Parshuram Pandit vill -walipur ps -pipariya dist-
lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

3 25-10-2024 Heard Mr. Rajnish Chandra, learned Counsel for the

petitioner and Mr. Md. Ataur Rahman, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody
since 09.02.2024, in connection with Piri Bazar P.S. Case No.
03 of 2024, FIR dated 06.01.2024, registered for the offences
punishable under Section 395 of the Indian Penal Code.

3. According to the prosecution case, the petitioner
along with other co-accused persons came on motorcycle at
petrol pump and looted Rs. 13,000/- (Rupees thirteen thousand
only) cash, four litres of Honda Activ Mobil and also full they
motorcycle tanks with petrol on gun point and they also
snatched the mobile of the informant.

4. Learned counsel for the petitioner submits that
the petitioner has been falsely implicated in the present case. He
further submits that the petitioner is not named in the F.I.R. and
name of petitioner transpired on the basis of the confessional
statement of the co-accused person, namely, Nilesh Kumar



which was recorded in paragraph-57 of the case diary and thereafter the petitioner has confessed his involvement in the alleged occurrence which was recorded in paragraph-59 of the case diary. Learned Counsel for the petitioner further submits that except the suspicion, no other cogent material has been recovered during investigation to suggest the involvement of the petitioner in the present case and nothing has been recovered from the conscious possession of the petitioner. He further submits that co-accused person, namely, Nilesh Kumar who has confessed the named of the petitioner has been granted bail vide order dated 25.09.2024 in Cr. Misc. No. 67402 of 2024 and the police submitted charge sheet, he is in custody since 09.02.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that the one case is pending against the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-VIIth, Lakhisarai in connection with Piri Bazar P.S. Case No. 03 of



2024, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court 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 learned trial Court shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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