

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80690 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- SAHIYARA District- Sitamarhi

Kundan Das @ Kundan Kumar Son of Dharishan Das village - Matiar Khurd,
P.S. - Sahiyara, Dist. - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar, Advocate
For the Opposite Party/s : Mrs.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 21-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Sahiyara P.S. Case No. 217 of 2023 for the offence punishable under Section 392 of the Indian Penal Code lodged on 09.12.2021 by the informant, Ishwar Kumar.

3. As per the prosecution story, the informant alleged that he is working at Financial Institution at a lonely place, the accused persons intercepted, assaulted and snatched mobile phone/cash which led to the FIR.

4. Learned counsel for the petitioner submits that due to criminal antecedent, he has been implicated, is in custody since 08.04.2024 (para-4 of the petition), his name has come in the confessional statement of co-accused Sundan Kumar but nothing has been recovered from his conscious possession.



Further, he being in custody for more than seven months, TIP not conducted.

5. Learned APP opposes the prayer submitting that he has criminal antecedent and his name has come in the confessional statement of co-accused Sundan Kumar.

6. Taking into account the aforesaid submissions put forward by the parties as also that the petitioner has remained in custody for seven months and as per the statement made nothing has been recovered from his conscious possess and no TIP conducted, FIR lodged, he will be facing the trial, charge-sheet submitted, this Court is inclined to extend him the privilege of bail with conditions. However, if it is found that the statement regarding conscious possession/TIP is/are incorrect, this order shall become infructuous.

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 Judicial Magistrate -1st Class, Sitamarhi/Concerned Court, in connection with Sahiyara P.S. Case No. 217 of 2023 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 fortnight for next six months 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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