

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56720 of 2025

In
CRIMINAL MISCELLANEOUS No.79705 of 2024

Arising Out of PS. Case No.-414 Year-2019 Thana- SHAHPUR PATORI District- Samastipur

Prakash Kumar @ Prakash Bhagat S/O Paramhans Bhagat Resident of
Village- Govindpur, P.S- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prabhat, Advocate

For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-08-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Shahpur Patori P.S. Case No. 414/2019 registered under Section 394 of the Indian Penal Code lodged on 23.10.2019 by the informant, Abhishek Kumar.

3. As per the prosecution story, the informant Abhishek Kumar who is an employee (cashier) of Midland Micro Finance Company, made a written complaint before the SHO Patori Police Station, Samastipur, alleging inter alia that on 23.10.2019 at about 3:00 PM when the informant was working in his branch office, two persons took out pistols from their waist and put on informant temples and asked about the cash and further, threatened to immediately hand over the cash or face consequence. As the



informant stated that they are with Branch Manager who is absent, he was assaulted on head by the 'butt' of pistol and for this act, the informant sustained injury.

4. Learned counsel for the petitioner submits that he has already suffered by being in custody since 18.08.2024, though concede that he delayed coming to the Court, the matter is of the year 2019 but if granted relief, he shall be diligently appearing in trial and neither there was any recovery nor T.I. parade conducted.

5. Learned APP opposes the prayer submitting that he has criminal antecedent.

6. Taking into account the submission of the parties as also that he has remained in custody since 18.08.2024, an undertaking has been given that he shall be diligently appearing in trial and as per the contention, there is neither any recovery nor T.I. Parade conducted, 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 CJM, Samastipur in connection with Shahpur Patori P.S. Case No. 414/2019 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/her 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 one year to mark his attendance and the certificate shall be submitted before the Trial Court failing which steps shall be taken for the cancellation of the bail bonds;

(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)

Adnan/-

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