

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68064 of 2024

Arising Out of PS. Case No.-364 Year-2023 Thana- PHULPARAS District- Madhubani

Kuldeep Kumar Jha Son of Birendra Jha R/O Vill.- Barsam, P.S.- Bheja,
Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 24-01-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with Phulparas P.S. Case No. 364 of 2023 for the offence punishable under Section 392 of the Indian Penal Code and 27 of the Arms Act lodged on 2.7.2023 by the informant, Mukesh Kumar.

3. As per the prosecution story, when the informant was moving on National Highway- 27 (N.H.-57) from Siliguri to Ballia carrying ginger on the pick-up van, it was stopped by the accused persons and after opening fire, threw him out of the vehicle and fled away with it. The informant in injured condition went to Dinesh 'Dhaba' where the owner immediately informed the police patrol party about it. He was subsequently taken to the Sub-Divisional Hospital and later referred to



D.M.C.H., Darbhanga for better treatment. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner was picked up and forced to confess by the police. He further submits that confession before the police has no meaning and he has already suffered by being in custody since 5.7.2023 and do not have criminal antecedent.

5. Though this Court finds force with the submission of learned APP and pursuant to the confession, there is recovery of 35 bag of ginger from the house of one Bhola, in that background, the confession cannot be ignored, the fact remains that he has remained in custody since 05.07.2023 (para 19 of the petition) having no criminal antecedent. In that background, a report was called for by the Trial Court and as per the report dated 08.10.2024, the same is fixed for prosecution evidence.

6. Learned Counsel for the petitioner submits that if granted relief, he shall be diligently appearing in trial and failure to do so even for a single day without plausible reason, the Trial Court may take steps for cancellation of his bail bonds.

7. Considering the submissions of the parties as also the fact that he has remained in custody for one and half year, an undertaking has been given that he shall be diligently appearing



in trial, has no criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions. If however, the petitioner after his release goes back from the undertaking given in the Court, the Trial Court shall take immediate steps for his arrest.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned A.C.J.M. II, Jhanjharpur, District- Madhubani in connection with Phulparas P.S. Case No. 364 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/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 month till the conclusion of the trial 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)

Vijay Singh/-

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