

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8435 of 2020

Arising Out of PS Case No.-398 Year-2019 Thana- GOPALGANJ TOWN District- Gopalganj

Sagar Kumar, Male, aged about 21 years, Son of Sanjay Singh, Resident of
Village - Mohabat Karmauni, P.S.- Kuchaikote, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raghav Prasad, Advocate
For the State	:	Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 10-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Raghav Prasad, learned counsel for the petitioner and Mr. Md. Fahimuddin, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Gopalganj Town PS Case No. 398 of 2019 dated 21.08.2020 instituted under Section 395 of the Indian Penal Code.

4. The petitioner is accused of being involved in the loot of Rs. 1300/- and two mobile sets of the informant.

5. Learned counsel for the petitioner submitted that the FIR was lodged against six unknown persons. It was submitted



that in another case, the petitioner and five other persons were caught and it has been shown that they have confessed, including the petitioner. It was submitted that the police had caught six persons in a vehicle with various mobile sets and ATM cards and in the same, confession is said to have been recorded and on that basis, the petitioner has been made an accused in the present case also. Learned counsel submitted that there are two other cases of similar nature against the petitioner but he is on bail in both of them. It was further submitted that co-accused Shyam Kumar @ Shyam Kumar Singh has been granted bail in Cr. Misc No. 6932 of 2020 by order dated 27.02.2020; Deepak Kumar in Cr. Misc. No. 7746 of 2020 by order dated 01.06.2020 and Anil Kumar Singh @ Anil Singh in Cr. Misc. No. 19034 of 2020 by order dated 05.06.2020. It was further submitted that there has been no Test Identification Parade in the present case. Learned counsel submitted that the petitioner is in custody since 04.12.2019.

6. Learned APP, from the case diary, submitted that all the accused persons, including the petitioner, have confessed about their participation in the crime.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in Gopalganj Town PS Case No. 398 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P.Kumar/Anand Kr.

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