

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18175 of 2020**

Arising Out of PS. Case No.-376 Year-2019 Thana- KUDRA District- Kaimur (Bhabua)

SONU KUMAR SINGH S/o Bali Singh R/o village- Madhopur, P.S.- Natwar,
District- Rohtas

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumar Sunil, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

2 04-06-2020 The matter has been listed today for consideration through Video Conferencing in view of the Nationwide Lockdown on account of the Covid 19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioner and the learned APP for the State.

Petitioner seeks bail in Kudra PS Case No. 376 of 2019 registered under Section 392. of the IPC.

The prosecution case is that the truck, which the informant was driving having 64 bags of Garlic, was stopped by a car bearing registration No. JH 05 K 9381. After stopping the truck, two-three persons have allegedly looted the garlic from the vehicle and snatched a mobile and Rs. 10,000/- from the driver.

Learned Counsel for the petitioner submits that the



petitioner is not named in the FIR. It is a case of false implication. Recovery of 25 KG garlic from the house of the petitioner is false and based on extraneous consideration. The same is evident from the fact that though he was arrested on 28.12.2019 he has been remanded to jail custody after 48 hours i.e. on 30.12.2019. The petitioner has not been put on T.I. Parade. The petitioner subsequently upon his arrest in the instant case has been remanded and made accused in Mohania PS Case No. 530 of 2019. The other earlier case, Dinara PS Case No. 105 of 2015 for the alleged offence under Section 366A IPC, also has no relevance as the petitioner solemnised marriage with the alleged victim of the said case. The petitioner is in custody since 30.12.2019.

Learned APP has opposed the prayer for bail. It is submitted that recovery of 25 KG garlic was made from the petitioner's house.

Considering the rival submissions, this court is inclined to allow the prayer for bail.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM VI Kaimur (Bhabua) in Kudra PS Case No. 376 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on



each date and if he fails to do so on two consecutive dates, his
bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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