

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21519 of 2020

Arising Out of PS. Case No.-347 Year-2019 Thana- BALIYA District- Begusarai

SUMAN KUMAR Son of Yogendra Mahto Resident of Village- Khadiyahi,
P.S.- Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai, Advocate

For the Opposite Party/s : Mr. J.K.Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

5 23-11-2020 Heard learned counsel for the petitioner and learned
APP for the State through video conference. Learned counsel for
the petitioner undertakes that all defects pointed out by the
stamp reporter shall be removed, and compliance with the
conditions of the notices of this Court with regard to acceptance
of e-filing shall be made, without delay immediately upon
resumption of normal physical functioning of the Court, and in
any event within one month thereof.

2. The petitioner is in custody since 04.12.2019 in
connection with Balia P.S. Case No. 347 of 2019 (G.R.No. 3243
of 2019) for the alleged offences under Section 395 of the
Indian Penal Code.

3. It is submitted that the petitioner has been falsely
implicated in connection with looting of Mahendra Bolero pick-



up vehicle, of which the informant is the driver. It is submitted that the petitioner has not been named in the FIR, which has been instituted against 7-8 unknown persons. It is submitted that despite having been in custody for almost a year, TIP has not yet been held to identify the petitioner. It is therefore submitted that except suspicion, there is no objective material to connect the petitioner with the alleged occurrence.

4. Learned APP appears and refers to paragraph 82 of the case diary to submit that in his confessional statement before the police, the petitioner has admitted to being apprehended along with two co-accused persons and the looted vehicle. It is further submitted that the petitioner has been made accused in one prior case of similar nature. However, neither a seizure list nor other objective material has been shown in the case diary.

5. Be that as it may and having regard to the period of custody already suffered since 04.12.2019, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Balia P.S. Case No. 347 of 2019 (G.R.No. 3243 of 2019), if he is not otherwise required in any other case.



6. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

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