

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23118 of 2020

Arising Out of PS. Case No.-43 Year-2017 Thana- KINJAR District- Jehanabad

Suraj Kumar @ Bibhishan Thathera, Male, aged about 26 years, son of Pallu Thathera, Police Station- Ghoshi (Okari), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 08-12-2020 Heard Mr. Birendra Kumar, learned counsel for the petitioner and Mr. Akshay Lal Pandit, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Kinjar P.S. Case No. 43 of 2017 registered for the offence under Section 392 of the I.P.C.

The allegation as per the First Information Report is that 04 unknown persons intercepted a truck bearing Registration No. HR-55L-4539 loaded with 560 bags of Maida each weighing 50 K.G. and looted the truck along with the loaded materials.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case on the basis of



confessional statement made by the co-accused / Pankaj Kumar. Learned counsel further submits that no incriminating material or looted article has been recovered from the possession of the petitioner and the petitioner has been remanded in this case from Tehta (Makhdumpur) P.S. Case No. 90 of 2017 on 14.06.2017 and since then he is in custody. Learned counsel further submits that similarly situated co-accused persons have been granted bail by this court and court below in Cr. Misc. No. 53093 of 2017 and B.P. No. 448 of 2017.

This court by its order dated 06.11.2020 had called for a report from the court below regarding the progress of the trial and in pursuance thereof learned I/c Sub Divisional Judicial Magistrate Arwal vide its letter no. 53 dated 12.11.2020 has furnished report and from perusal of the same it appears that charges against the petitioner has not been framed as yet as such examination of witnesses has not commenced.

Having heard learned counsel for the parties and taking into consideration the materials available on record and the fact that similarly situated accused persons have been granted bail by this court and the petitioner is in custody since 14.06.2017 i.e. for more than 03 years, I am inclined to grant regular bail to the petitioner.



Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Arwal in connection with Kinjar P.S. Case No. 43 of 2017 on the following conditions:-

(i) that one of the bailors shall be the local resident of the territorial jurisdiction of the learned trial court.

(ii) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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