

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.29181 of 2020**

Arising Out of PS. Case No.-102 Year-2020 Thana- BANMANKHI District- Purnia

SONU KUMAR Son of Subodh Sah Resident of Village- Madhuban, P.S.-
Janki Nagar, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Atul Chandra, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 11-11-2020 Learned counsel for the petitioner undertakes to remove the defects, if any, within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Atul Chandra, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Banmankhi P.S. Case No.102/2020 registered for the offence under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that in the First Information Report it is alleged that while the informant was coming from his shop with sale proceeds of Rs.10,000/-, he was intercepted by the miscreants who was on a red coloured motorcycle, two boys thereafter came to him and by threatening him took away Rs.10,000/- from t-shirt pocket of the informant. They had also taken away the



shop's key and other articles of the informant including key of the scooty.

Learned counsel submits that the informant has not disclosed the registration number of the red coloured motorcycle and in the present case police has seized the motorcycle of the elder brother of the petitioner from his house on mere suspicion and has shown recovery of Rs.2200/- from the house of the petitioner, but the said amount is not the looted amount.

Learned counsel submits that in custody the confessional statement of the petitioner has been extracted but till date he has never been identified by the informant. It is submitted that the petitioner has no criminal antecedent and he is in custody since 05.05.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the motorcycle of the red coloured has been recovered from the house of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of the petitioner that he has been arrested on mere suspicion and in the name of recovery of red coloured motorcycle from his house, but the registration number of the vehicle has not been either stated by the informant or has been identified by any other means and till date petitioner has not been identified, moreover Rs.2200/- cash lying in house is not a big thing and there is no identification of the said money allegedly belonging to the



informant as also that the petitioner has no criminal antecedent, he has remained in custody for over six months, investigation against him is complete and there is no submission that his release at this stage is likely to interfere with the course of trial, let the petitioner abovenamed be released on 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 A.C.J.M.-1st, Purnea in connection with Banmankhi P.S. Case No.102/2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

And further condition that he will abide by and observe



the guidelines and directives of the Government of India and the
State Government with regard to COVID-19 Pandemic.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

