

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25475 of 2020**

Arising Out of PS. Case No.-572 Year-2019 Thana- GARKHA District- Saran

SONU KUMAR @ SONU MAHTO, Son of Bisheshwar Patel, R/o Village-
Nari Khud, P.S.- Tisaut, Village- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, A.P.P.

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

4 26-11-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within three weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Sucheta Yadav, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Garkha P.S. Case No. 572 of 2019 registered for the offence under Section 392 of the Indian Penal Code.

Learned counsel for the petitioner submits that the F.I.R. is against unknown. It is alleged that when the informant was going with a sum of Rs. 1,00,000/- he was intercepted by two persons from behind who were on motorcycle and they were wearing helmets. One of them placed a pistol on the back



of the informant and asked him to hand over the bag containing notes on which the informant handed over the bag to the miscreants and then the miscreants fled away. He has disclosed that both the accused were aged about 30-35 years.

Learned counsel for the petitioner submits that when this petitioner was arrested in connection with a case under the Arms Act which has been disclosed in paragraph '3', his confessional statement was extracted in police custody wherein he is said to have been admitted by the petitioner that he had committed a robbery on 05.09.2019 in which he had snatched a sum of Rs. 1,05,000/- and in the said occurrence three other co-accused were there. According to the confessional statement he had disclosed the name of those three persons.

Learned counsel submits that what is to be noticed in this case is that the age of the accused have been disclosed as 30-35 whereas this petitioner is aged about 24 years. Further in the confessional statement, the alleged crime was committed by the petitioner on 05.09.2019 whereas in the present case the occurrence has taken place on 16.09.2019 and even the amount which is mentioned in the confessional statement does not tally with the amount disclosed by the informant.

Learned counsel submits that there is no recovery



from the possession of the petitioner and till date he has not been put on T.I. Parade. Under these circumstances, the submission is that on a mere confessional statement extracted in police custody the petitioner has remained in jail in connection with this case for over eight months by now. The trial is not likely to be concluded and hence, the petitioner deserves privilege of bail. It is also submitted that in the cases mentioned in paragraph '3' of the application the petitioner is on bail in all these cases.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but having considered the submissions of learned counsel for the petitioner which has been noticed hereinabove, this Court feels inclined to enlarge the petitioner on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. XIV, Saran at Chapra in connection with Garkha P.S. Case No. 572 of 2019, 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 petitioner shall put his attendance in Tisautia Police Station once every month before the Officer-in-Charge of the Police Station.

And further condition that in case he goes outside his village for any employment purpose, the same will be informed to the Officer-in-Charge of the Police Station with complete address and his mobile number.

And further condition that in course of trial the petitioner shall appear on the date fixed in the matter and two consecutive defaults in putting appearance before the learned court below shall invite action for cancellation of his bail.

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 step for cancellation of



bail bond of the petitioner.

In case the petitioner fails to abide by the conditions above it will be open for the Investigating Officer to file an application for cancellation of bail.

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)

vats/-

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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'.

