

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31851 of 2020

Arising Out of PS. Case No.-1094 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

=====

Kunal Kumar @ Amit Kumar (Male), aged about 18 years, Son of Rambaran Kumar, Resident of Village- Drubganj, P.S.- Kharik, District- Bhagalpur, At present resides Ramjiganj, Adampur, P.S.- Jogsar, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Puneet Siddhartha, Advcoate

For the State : Mr. Anzarul Haque Sahara, APP

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 22-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Puneet Siddhartha, learned counsel for the petitioner and Mr. Anzarul Haque Sahara, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. At the outset, learned counsel for the petitioner submitted that initially the application filed was not supported by an affidavit, but he has again *e* filed the application supported by an affidavit and has also filed a supplementary affidavit due to some typographical error in the main application



seeking apology and also permission to correct the same. It was submitted that in the main application, number of the case has been wrongly mentioned as at paragraphs 1, 4 and prayer portion, where, instead of Kotwali (Jogasar) PS Case No. 1094 of 2019, it has wrongly been typed Kotwali (Jogasar) PS Case no.1049 of 2019.

4. The petitioner is in custody in connection with Kotwali (Jogasar) PS Case No.1094 of 2019 dated 14.12.2019, instituted under Sections 411, 413, 414, 401 of the Indian Penal Code.

5. The allegation against the petitioner, though not named in the FIR, is that he was part of the gang, which was involved in theft of motorcycles.

6. Learned counsel for the petitioner submitted that he has been falsely implicated in the case. It was submitted that upon arrest by the police of co-accused, Sujit Kumar, who was trying to run away from his house, he disclosed that he had three stolen motorcycles for sale and upon search, three motorcycles were recovered. The said co-accused further stated that the gang included Chandan Kumar, Shubham Kumar @ Golu, Abhishek Kumar, Kumar Monty, Timple Kumar and some other unknown outsiders. He also informed the police that co-accused,



Abhishek Kumar and Shubham Kumar @ Golu were coming to his house with motorcycles and upon wait, when such persons came, they were also arrested and accepted that they were members of a bike lifting gang and had come to Sujit Kumar for taking money for the bike. They further disclosed that another member, Satyam Kumar was also to come, but a person upon seeing the police started fleeing, but upon being caught, he disclosed his name as Satyam Kumar and they disclosed that their gang used to steal motorcycles from different places in the town of Bhagalpur and sell them at various places including other districts and commission was paid to the gang leader Chandan Kumar. Learned counsel submitted that nowhere in the picture the name of the petitioner ever transpired, but later on, Chandan Kumar, upon his arrest, had made confessional statement and named the petitioner as his partner in the crime. Learned counsel submitted that nothing has been recovered from the petitioner and only on such confessional statement of named co-accused, Chandan Kumar, he has also been made accused in the present case and is in custody since 16.12.2019. Learned counsel submitted that co-accused, Chandan Kumar, Shuvam Kumar @ Golu @ Shubham Kumar, Satyam Kumar and Nitish Kumar Pandey have been granted bail by orders



dated 28.02.2020 in Cr. Misc. No.12331 of 2020, 29.02.2020 in Cr. Misc. No.12185 of 2020, 01.06.2020 in Cr. Misc. No.10333 of 2020 and 05.06.2020 in Cr. Misc. No.14266 of 2020, respectively.

7. Learned APP submitted that the gang leader, Chandan Kumar, has stated about the petitioner being his partner.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhagalpur, in Kotwali (Jogasar) PS Case No.1094 of 2019, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The



petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

