

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71533 of 2019

Arising Out of P.S. Case No.-339 Year-2018 Thana- KASBA District- Purnia

Sonu Yadav @ Sonu Kumar, aged about 28 years (Male), Son of Late Lalan Yadav, Resident of Village-Jurabganj, P.S.-Kodha, District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Praveen Kumar Agrawal, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 27-05-2020

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

2. Heard learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Kasba PS Case No. 339 of 2018 dated 27.12.2018 instituted under Section 392 of the Indian Penal Code to which Section 411 was later added.

4. The petitioner, who is not named in the FIR, is accused of being party to looting of Rs. 14,77,000/- of the informant.

5. Learned counsel for the petitioner submitted that without any Test Identification Parade and only on the basis of



confessional statement of co-accused, he has been arrested. It was submitted that even the money which has been recovered was from the joint house which was not exclusively owned by the petitioner. Learned counsel submitted that the petitioner has no other criminal antecedent and is in custody since 31.12.2018. It was also submitted that similarly situated co-accused Ganesh Yadav and Chandan Yadav have been granted bail by a co-ordinate Bench in Cr. Misc. No. 34739 of 2019 by order dated 28.05.2019 and Guddu Kumar, on whose confessional statement, the petitioner has been made an accused, has also been granted bail by a co-ordinate Bench on 17.08.2019 in Cr. Misc. No. 50196 of 2019. Learned counsel submitted that even the motorcycle has not been recovered from the petitioner.

6. Learned APP submitted that the co-accused has taken the name of the petitioner and from the petitioner, there has been recovery of huge amount of money and, thus, he should not be shown any indulgence. However, he could not controvert that co-accused Guddu Kumar, who made the statement and from whose possession a higher amount of Rs. 2,92,000/- has been recovered has been granted bail on 17.08.2019.

7. 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 learned Chief Judicial Magistrate, Purnea in Kasba PS Case No. 339 of 2018, 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 criminal activity. 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.

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

(Ahsanuddin Amanullah, J.)

P. Kumar / Anand Kr.

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