

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13530 of 2021**

Arising Out of PS. Case No.-36 Year-2020 Thana- NAVINAGAR District- Aurangabad

SHARWAN KUMAR Son of Sheo Sagar Chouhan Resident of Village- Edraji
Kusumhara, P.S.- Hussainabad, District- Palamu (Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

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

4 03-09-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Sanjay Kumar Sharma, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Navinagar P.S. Case No. 36 of 2020 registered for the offences punishable under Sections 392, 395 and 412 of the Indian Penal Code. He is in custody since 15.03.2020. Petitioner has declared no criminal antecedent.

As per the prosecution story when the informant was going from Japla to Navinagar, he was intercepted by two bike borne miscreants, they were four in numbers. The miscreants snatched away the bike and mobile phone of the informant and the mobile phone of the friend of the informant.

Learned counsel for the petitioner submits that in course of investigation from possession of the petitioner one mobile has been recovered, however, the seized mobile belongs to the petitioner and it does not tally the description of the mobile given in the F.I.R.

Learned counsel further submits that the looted motorcycle has been recovered from possession of the co-accused Raj Kumar Singh who has been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 25135 of 2020.

Learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner, however, it is not disputed that co-accused Raj Kumar Singh, Upendra Singh and Sharwan Kumar have been granted bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 25135 of 2020 and Cr. Misc. No. 28501 of 2020.

At this stage when this Court perused the order dated 03.12.2020 passed in Cr. Misc. No. 25135 of 2020, this Court has noticed that Raj Kumar Singh was granted bail on one of the grounds that no looted article has been recovered from possession of the petitioner. Now in case of this petitioner it is being argued that the co-accused Raj Kumar Singh from whose possession the looted article was recovered has been granted bail. Such practice must be stopped and keeping this in mind this Court directs that a copy of this order be sent to the learned Advocate General to see whether the bail have been obtained by placing wrong facts before the Court and if it is so, then he may consider taking appropriate measure in terms of

the State policy.

So far as the present case is concerned, since learned A.P.P. for the State has informed this Court that no looted article has been recovered from possession of the petitioner, this Court directs release of 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.-I, Aurangabad in connection with Navinagar P.S. Case No. 36 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C.

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. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands disposed of accordingly.

(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’.