

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16795 of 2021

Arising Out of PS. Case No.-201 Year-2020 Thana- SOHSARAI District- Nalanda

Bipin Kumar Son Of Mr. Prameshwar Saw Resident Of Village - Kasar, P.S.-
Kasar, Distt.- Sheikhpora.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar

For the Opposite Party/s : Mr. Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-07-2021 Heard learned counsel for the petitioner and learned A.P.P.
for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Sohsarai P.S. Case No. 201 of 2020 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, allegation against the petitioner is that petitioner in association with three to four co-accused persons looted the informant's truck bearing Registration No. BR 01 GE 4861 which is loaded with 725 c/s carton of soya oil around



9 ton of product. It is alleged that petitioner and other miscreants overpowered the driver of the informant's truck and looted and unloaded the truck.

It is submitted by learned counsel for the petitioner that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. No such occurrence as alleged ever took place. Learned counsel for the petitioner submits that petitioner is not named in the F.I.R.. Learned counsel for the petitioner submits that the alleged occurrence was taken place on 19.11.2020 and the F.I.R. was lodged on 20.11.2020 and it was received in the court on 27.11.2020 and there is no explanation for the said delay. There is nothing in record indicating the complicity of the petitioner in the occurrence barring the confessional statements of co-accused which has no evidentiary value in the eye of law. Learned counsel for the petitioner further submits that there is no direct or indirect evidence against the petitioner. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent and has been languishing in custody since 27.11.2020.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs.



25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sohsarai P.S. Case No. 201 of 2020.

(Anjani Kumar Sharan, J)

GAURAV S./-

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