

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17235 of 2021

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

Mithun Kumar S/O Late Shiv Kumar Saw R/O Village Sasbahna, P.S. Kasar,
District Shekhpura, Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-07-2021 Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of regular bail in a case registered for the offence punishable under section 392 of the Indian Penal Code.

As per the prosecution case, 3 to 4 unknown miscreants overpowered a truck loaded with Fortune Soya oil and looted the Soya oil.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Petitioner's name has figured during course of investigation in confessional statement of co-accused Bipin Sao. Petitioner has claimed clean antecedent and he is in custody since 27.11.2020. Test



Identification Parade has not been carried out till date. Only material against the petitioner is that tower location of the petitioner's mobile phone was found near the place of occurrence at the relevant time. Similarly situated co-accused has already been allowed bail by a co-ordinate bench of this Court as vide order passed in Cr.Misc.No. 12741/2021.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the rival submissions of the parties, materials available on the record and the fact that No incriminating material has been recovered from the conscious possession of the petitioner, let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of on the Chief Judicial Magistrate Nalanda at Biharsharif in Sohsarai Police Station Case No. 201 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the



Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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