

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16549 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- PRATAPGANJ District- Supaul

Jay Jay Kishore Sardar @ Jay Kishore Sardar @ Jayki, Male, aged about 22 years, Son of Buddh Dev Sardar Resident of F.C.I. Chowk, Ward No.04, P.S.- Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Adv.

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for short 'APP') for the State.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office. Instead of

The petitioner seeks bail in Pratapganj PS Case no. 114 of 2020 instituted for the offence under Section 392 of the Indian Penal Code.

After collecting money for his employer the informant was on his way when his driver stopped the vehicle for relieving himself four unknown persons have looted the money and assaulted the informant.



Petitioner's counsel submits that the First Information Report is against unknown persons. The petitioner has no criminal antecedents. Petitioner's name has been dragged in this case on the basis of statement of co-accused Md. Raju. The statement has been recorded in police custody and is unreliable. From the said co-accused there is recovery of money and *Aadhar* Card of the informant. However, from the petitioner there is no recovery of any incriminating material. The driver of the vehicle co-accused, Sanoj Kumar Sah has been allowed bail in Cr. Misc. no. 7929 of 2021. The petitioner has not even been put on Test Identification Parade and he is in custody since 26.08.2020.

The learned APP representing the State has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sub Divisional Judicial Magistrate, Birpur, Dist.



Supaul, in connection with Pratapganj PS Case no. 114 of 2020
subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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