

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18655 of 2021

Arising Out of PS. Case No.-243 Year-2020 Thana- BAUNSI District- Banka

Shuvam Kumar @ Shuvam Kumar Sah @ Shubham Kumar Sah @ Shubham Kumar, aged about 19 years (Male) Son of Sanjay Sah Resident of Village-Daliya, P.S.- Bounsi, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Nandad Prasad, Adv.

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-11-2021 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.

The petitioner seeks bail in Bounsi P S Case No. 243 of 2020 instituted for the offence under Sections 395 and 397 of the Indian Penal Code.

Five unknown miscreants have taken away Rs. 2,80,000/- which the informant was carrying. In the process, it is alleged that they have also fired upon him.

Petitioner's counsel submits that he is not named in the



First Information Report. One co-accused Abhishek Singh @ Mithu was apprehended and based on his confessional statement, the petitioner has been implicated. Such implication is not sustainable in the eyes of law. There is no recovery of any incriminating material from the petitioner. Merely because he is accused in two cases since before as disclosed in paragraph No.3 he has been implicated in this case. He is on bail in said two cases. In the instant case, he is in custody since 15.09.2020. The other co-accused, namely, Ramesh Kumar @ Natwar and Sagar Kumar have been allowed bail in Cr. Misc. Nos. 15753 of 2021 and 14340 of 2021.

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 Chief Judicial Magistrate, Banka, in connection with Bounsi P S Case No. 243 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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