

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18393 of 2021

Arising Out of PS. Case No.-556 Year-2020 Thana- SITAMARHI District- Sitamarhi

Manish Kumar, Son of Tej Narayan Singh, Resident of Village- Dostpur , P.S-
Bathanaha Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

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

For the Informant : Mr.Pramod Kumar Sinha, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 22-10-2021 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 461, 379 of the Indian Penal
Code.

Prosecution case, in brief is that the informant is the
owner of mobile shop. On the alleged date of occurrence his
mobile shop was completely looted and all the articles
alongwith the book registers of cash input, output and material
input, output and other records were also stolen. The informant
has given names of accused Ram Kumar and Santosh Kumar
and others and submitted that CCTV footage is also available
for the said offence.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He submits that the petitioner is not named in the FIR.



Only on the confessional statement of co-accused, namely Santosh Kumar, petitioner has been made accused in this case. It has been further submits that the petitioner had identified on the basis of CCTV footage and the petitioner is languishing in judicial custody since 24.10.2020. The petitioner has got no criminal antecedent, which is mentioned in para 3 of the bail petition.

Learned APP for the State as well as learned counsel for the informant vehemently opposed the prayer for bail application and submit that two mobiles have been recovered from the conscious possession of the petitioner and charge has also been framed against the petitioner.

Considering the custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Sitamarhi P.S. Case No. 556/2020 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving genealogy as to how he is related with the petitioner. He will



also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) that the petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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