

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27283 of 2021

Arising Out of PS. Case No.-154 Year-2019 Thana- GANGABRIDGE District- Vaishali

Sunny Kumar, Son of Akhilesh Ray, R/O Village- Manjhauri, P.S.- Bidupur,
District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Sinha, Adv.
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-09-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

The petitioner seeks bail in a case registered for the
offence punishable under Section 392 of the Indian Penal Code.

Allegation against the petitioner alongwith other
accused persons is said to have committed robbery of
Rs.1,50,000/- at the petrol pump.

Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in this
case. He further submits that the petitioner is not named in the
FIR. During the course of investigation, on the confessional
statement of co-accused, namely, Kunal Kumar made before the
police when he was arrested in relation to Bidupur P.S. Case No.
368/2019, the petitioner made accused in this case. The said
confessional statement is mentioned in para 23 of the case diary.



There is no incriminating articles has been recovered from the conscious possession of the petitioner and there is no T.I. Parade till date. The petitioner is languishing in judicial custody since 15.11.2019. The petitioner has got 07 criminal antecedents which is mentioned in para 3 of the bail petition. The similarly situated co-accused has been granted bail by a co-ordinate Bench of this Court vide order dated 24.06.2021 passed in Cr. Misc. No.8017/2021.

Learned APP for the State vehemently opposed the prayer for bail application and submits that the petitioner has 07 criminal antecedent and the petitioner was involved in this case.

Considering the aforesaid facts and circumstances of the case, 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 Ganga Bridge P.S. Case No. 154/2019 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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