

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38826 of 2021**

Arising Out of PS. Case No.-10 Year-2021 Thana- SABAUR District- Bhagalpur

=====

HEMANT KUMAR @ CHHOTU Son of Wakil Mandal Resident of Village-
Babupur, P.S.- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

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

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

=====

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-12-2021 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in connection with Sabour P.S. Case No. 10 of 2021 registered for the offence under Sections 413 and 414/34 of the Indian Penal Code and 30(a) of the Bihar Prohibition and Excise Act.

Recovery is of a stolen motorcycle along with 375 ml. of English liquor.

Learned counsel appearing for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. In fact, on the basis of confessional



statement of the co-accused, namely, Ajay Kumar, who is said to be arrested on the spot, this petitioner has been apprehended in this case. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. Nothing incriminating has been recovered from the conscious possession of the petitioner. Moreover, the co-accused, namely, Lakhan Kumar @ Lakhan Mandal along with Mithun Kumar and Ravi Kumar, have already been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2021 passed in Cr. Misc. No. 40602 of 2021 and Cr. Misc. No. 40578 of 2021. The petitioner is rotting in judicial custody since 07.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned 2nd Additional District and Sessions Judge -cum- Special Judge, Excise Act, Bhagalpur in connection with Sabour P.S. Case No. 10 of 2021 with 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 canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

braj/-

U		T	
---	--	---	--

