

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6389 of 2021**

Arising Out of PS. Case No.-312 Year-2019 Thana- WARISLIGANJ District- Nawada

SUKESH KUMAR @ SONU Son of Vijay Yadav Resident of Lala Bhasara,
P.S.- Dulhin Bazar, District - Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Jai Prakash Sharma, Advocate Mr.Arvind Kumar Mouar, Advocate
For the Opposite Party/s :		Mr.Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 12-08-2021 Heard Mr. Jai Prakash Singh, learned counsel for the
petitioner and Mr. Kalyan Shankar, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Warisaliganj P.S. Case No. 312/2019 registered for the offences punishable under Section 395 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is not named in the First Information Report. His name has transpired in the confessional statement of the co-accused Manoj Kumar and it is alleged on the basis of the said confessional statement that the petitioner had helped the co-accused in finding out customer for a looted motorcycle and he had been instrumental in arranging customers for sale of looted Scorpio.

Learned counsel submits that the petitioner is an

Advocate Clerk and he is in custody since 08.04.2020. No recovery has been made at the instance of this petitioner. He has not been identified by anybody and the co-accused Manoj Kumar on whose confessional statement the petitioner has been made accused, has been granted bail and some of the other co-accused in this case have also been released on bail. Petitioner has otherwise no criminal antecedent.

Mr. Kalyan Shankar, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. It is submitted that petitioner seems to have been involved with the gang of co-accused who had been involved in looting away the vehicle.

Considering the facts and circumstances of the case and the submission in which there is no identification of the petitioner, no recovery has been made of any looted article from his possession and no recovery of any vehicle has been made at his instance, he is in custody for over one year four months in connection with this case and has got no criminal antecedent, in the circumstances this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge – VII, Nalanda in connection with Sessions Trial No. 1034/2020, Warisaliganj P.S. Case No. 312/2019, subject to the

condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.