

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 39264 of 2020**

Arising Out of PS. Case No.-552 Year-2019 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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HIMANSHU SHEKHAR @ AYUSHMAN KUMAR Son of Arvind Kumar
Singh Resident of Village- Patni, P.S.- Ramgadhwa, District- East
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Ravi Ranjan, Advocate

For the Opposite Party/s : Ms Pushpa Sinha, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 09-02-2021 In paragraph 12 of the petition, it is submitted that due
to inadvertence, the date since when the petitioner is in custody
has wrongly been mentioned as 27.02.2020 instead of
29.09.2019.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Kanti Police Station (for
brevity, PS) Case No 552 of 2019 dated 26.07.2019 instituted
for the offence punishable under Section 397 of Indian Penal
Code.

A loot has been done by unknown miscreants at the
office of the Company and it is alleged that Rs 26 lacs, kept in



the almirah, has been taken away. There is also allegation of taking away of mobile phones and other articles. In the process, assault is also attributed against the accused persons.

Petitioner's counsel submits that on confessional statement of co-accused Chintu Mishra @ Vikash Kumar, the petitioner's name has surfaced in the instant case. Other than that, there is no material whatsoever to connect the petitioner with the occurrence. There is no recovery from the petitioner's possession of any of the looted articles. The petitioner is in custody since 29.09.2019. He has antecedents of seven cases but he is on bail in these cases, except one. The other co-accused persons, similarly situated as the petitioner, have already been allowed bail by this Court in the various orders passed by this Court in Cr Misc No 17263 of 2020, Cr Misc No 14823 of 2020, Cr Misc No 78579 of 2019 and Cr Misc No 24658 of 2020 (Annexure 2 series).

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sub Divisional Judicial Magistrate, West, Muzaffarpur in Kanti



PS Case No 552 of 2019 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.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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