

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.188 of 2021

Arising Out of PS. Case No.-316 Year-2018 Thana- SONO District- Jamui

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KANHAIYA SINGH @ ANKUSH RAAJ SON OF BIRENDRA SINGH
Resident of Bahramba, P.S.- Sikandra, Distt- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 26-03-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Asha Devi, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sono P.S. Case No. 316 of 2018 registered for the offences punishable under Section 392 of the Indian Penal Code changed Section 395 of the Indian Penal Code on 26.03.2019.

Learned counsel for the petitioner submits that as per the prosecution story, while the informant was involved in calculation of the sale proceed some unknown persons entered in the sale room and snatched the sale proceed i.e. Rs. 2 lakh and fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that no incriminating material has been



recovered from the petitioner, he has not been put on TIP and is in custody since 08.09.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this Court has noticed that the petitioner is not named in the First Information Report, according to the petitioner he has not been put on TIP, no incriminating material has been recovered from his possession and the fact that the co-accused similarly situated have been enlarged on bail by learned Co-ordinate Benches of this Court in Cri. Misc. No. 708 of 2020 and Cri. Misc. No. 18042 of 2020 having remained uncontroverted by learned APP for the State, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Jamui in connection with Sono P.S. Case No. 316 of 2018 (G.R. No. 3121 of 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.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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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'.

