

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.5590 of 2021**

Arising Out of PS. Case No.-129 Year-2020 Thana- MOUZAHDIPUR District- Bhagalpur

SUNNY KUMAR @ SONU Son of Dilip Prasad @ Dilip Kumar Sah
Resident of Village- Kajhichak, P.S.- Mojahidpur, District- Bhagalpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 28-07-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

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

Petitioner in the present case is seeking regular bail in connection with Mojahidpur (Babarganj) P.S. Case No. 129 of 2020 registered for the offences punishable under Sections 392/411 of the Indian Penal Code.

As per the prosecution story, the informant sent his son to Allahabad Bank to deposit Rs. 1,28,687/-. When the son of the informant was on his way to bank two persons on a red colour Pulsar motorcycle came and asked him whether he was

brother of Sanjeev to which son of the informant replied in affirmative and the said person stood there. In the meantime two persons on Apache motorcycle came and on the point of gun snatched the bag of the son of the informant containing money and fled away towards Aliganj Bounsi Road and the persons who came on Pulsar motorcycle fled away towards Gangti.

Learned counsel for the petitioner submits that it is a case of false implication of the petitioner. It is further submitted that the petitioner is not named in the F.I.R. Learned counsel submits that the petitioner is in custody in connection with this case since 24.06.2020 having no criminal antecedent.

Learned A.P.P. 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 in this case the involvement of the petitioner has been brought on the basis of his confessional statement extracted in police custody, it is alleged that a sum of Rs. 6,500/- has been recovered from him with a mobile which the petitioner has tried to explain, the learned Sessions Judge has though referred C.C.T.V. footage in paragraph '113' and '114' of the case diary but the learned A.P.P. for the State says that those are not C.C.T.V. footage rather a pen

drive provided to the I.O. but pictures therein are not legible and in any case as per the prosecution it is the motorcycle of the petitioner which has been allegedly seen in the said photo but not the petitioner, the petitioner is in custody in connection with this case since 24.06.2020, he has otherwise no criminal antecedent, investigation against him is complete but the trial is not likely to take place in near future, this Court directs release of the petitioner above named 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 C.J.M., Bhagalpur in connection with Mojahidpur (Babarganj) P.S. Case No. 129 of 2020 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.

This application stands disposed of accordingly.

(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'.