

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9464 of 2021

Arising Out of PS. Case No.-207 Year-2015 Thana- BIDUPUR District- Vaishali

Mukesh Kumar Singh @ Mukesh Singh Son Of Brij Kishor Singh @ Kishor
Singh Resident Of Village- Basantpur Kakrahta , P.S- Bidupur, Distt- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-07-2021 Heard learned counsel for the petitioner and learned A.P.P. for
the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the
defects within four weeks of resumption of normal court proceeding.
In the eventuality of non-removal of defects within undertaken
period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Bidupur P.S. Case
No. 207 of 2015, T.R. 2208/17 registered for the offence punishable
under Section 395 of the Indian Penal Code.

As per the prosecution case allegation against the petitioner is
that he in association with other co-accused persons looted cash,
mobile phone and gold locket from the informant (Nosal Man) and
other persons working in the said Petrol Pump. After committing they
fled away from the place of occurrence.

It is submitted by learned counsel for the petitioner that



petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He is neither named in the F.I.R. nor was apprehended on the spot. He submits no Test Identification parade was done till date. No incriminating article has been recovered from his conscious physical possession. He further submits that similiary situated co-accused persons have been granted bail by different co-ordinate Benches of this Court. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner is languishing in custody since 28.04.2020.

There is nothing in record indicating the complicity of the petitioners in the occurrence barring the confessional statement of co-accused *Santosh Sah* which has not evidentiary value in the eye of law.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending in connection with Bidupur P.S. Case No. 207 of 2015, T.R. 2208 /17 subject to the following conditions:

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the



court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in the case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

GAURAV S./-

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