

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9138 of 2021

Arising Out of PS. Case No.-468 Year-2017 Thana- MADHAURAH District- Saran

Subham Kumar Soni @ Phanthu aged about 25 years, (Male) son of Vinay Sah @ Binay Kumar Sah, Resident of village- Sundar Nagar near Karat kat Chowk Police Station Sarai, District- Vaishali at Hajipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Niranjana Parihar Advocate
For the State : Ms. Sangeeta Sharma APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

2 Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

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

4. The petitioner seeks bail in Marhowrah PS Case No. 468 of 2017, instituted for the offence under Section 394 of the Indian Penal Code.

5. Three unknown miscreants have looted the motorcycle of the informant as per prosecution case.

6. The learned counsel for the petitioner submits that petitioner is not named in the FIR. There is no recovery of motorcycle or any incriminating material from petitioner's



possession. He is accused in one more case under the Excise Case. Till date, no TIP has been conducted and on the basis of confessional statement of co-accused, namely Abhimanyu Kumar Mahto @ Maunua, having no evidentiary value, he has been implicated in the instant case and is in custody since 22.09.2020. Co-accused Abhimanyu Kumar Mahto @ Maunua has since been allowed bail in Cr. Misc. no. 68599 of 2018.

7. The learned APP representing the State has opposed the prayer for bail.

8. Considering the rival submissions, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned **ACJM VIII Chapra**, in connection with **Marhowraha PS Case No. 468 of 2017**, 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.

(Madhuresh Prasad, J)

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