

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10464 of 2021**

Arising Out of PS. Case No.-116 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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SUMAN SAURABH @ SUMAN KUMAR SON OF JAGESHWAR
PRASAD R/o village- Khadiyahi, P.S.- Bibhutipur, District- Samastipur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam,Advocate
For the Opposite Party/s : Mr.Manoj Kumar,APP

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

4 13-08-2021 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 Mr. Manoj
Kumar, learned APP for the State.

The petitioner in the present case is seeking regular bail in
connection with Cheriya Bariyarpur P.S. Case No. 116 of 2020
registered for the offences punishable under Sections 394, 397 of the
Indian Penal Code and Section 27 of the Arms Act. He is in custody
since 06.07.2020.

Learned counsel for the petitioner submits that the FIR is
against unknown, however, during investigation the name of the
petitioner has transpired in the confessional statement of co-accused
Rohit Kumar and Manish Kumar. Manish Kumar had disclosed in
police custody that the petitioner was involved in the alleged

occurrence with his Apache motorcycle and the accused persons had after distribution of the amount among themselves burnt the bag and have also indicated the place where the bag was burnt.

Learned counsel submits that police has seized the Apache motorcycle of the petitioner which belongs to the petitioner and a sum of Rs.16,900/- has been shown recovered from him but that is a petty amount which may be found in the house of any middle class person.

Learned counsel submits that the petitioner has got clean antecedent and has remained in custody in connection with this case since 06.07.2020, the investigation against him is complete but the trial is not likely to take place in near future.

Learned APP for the State has opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case wherein the name of the petitioner has transpired in the confessional statement of the co-accused in police custody and the recovery of very less amount of money and the same has not been put on test identification parade, considering the period of custody of the petitioner and the investigation being complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 116 of 2020,

subject to the conditions 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 is suspected, and

(c) that such persons shall not directly or indirectly make and 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'.