

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2670 of 2022

Arising Out of PS. Case No.-19 Year-2021 Thana- BIRUPUR District- Lakhisarai

SHIVAM KUMAR @ GAURAV KUMAR Son of Pappu Singh Resident of
Village - Tajpur (Indupur), P.S.- Barbigha, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanju Singh
For the Opposite Party/s : Ms.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-06-2022 Heard learned counsel for the petitioner and the
State.

Petitioner seeks regular bail in a case registered for
the offence punishable under Section 392 of the Indian Penal
Code.

As per prosecution allegation, motorcycle and Rs
3000/- belonging to the informant were looted by three
unknown persons and during the course of investigation, looted
motorcycle was recovered from the possession of the petitioner.

The main submissions advanced by the learned
counsel for the petitioner are that no looted article is said to
have been recovered from the possession of the petitioner and
till date petitioner has not been put on test identification parade,
co-accused Chhatu Kumar in whose confessional statement



before the police name of this petitioner surfaced has been granted regular bail by a bench of this court vide order dated 10.12.2021 passed in Cr. Misc. no. 70249 of 2021. Petitioner has been languishing in jail since 12.6.2021 having clean antecedent.

Learned APP opposes the prayer for bail.

Having considered the facts as well as above submissions and the fact that looted article was recovered from co-accused who has been granted bail by this Court vide order passed in the above mentioned miscellaneous case and also considering the petitioner's custody period and as per para 3 of the petition, petitioner has got no criminal antecedent, let the petitioner 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 Chief Judicial Magistrate, Lakhisarai in Birpur P.S. Case No. 19 of 2021 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by



the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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