

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3890 of 2022

Arising Out of PS. Case No.-521 Year-2021 Thana- JAKKANPUR District- Patna

Mani Shankar @ Shankar, Son of Shiv Kumar, Resident of Village- Bahuara,
P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 06-12-2022 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Jakkanpur P.S. Case No. 521 of 2021 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, the informant who has been working as a driver in Lotus Tree Private Limited and he was carrying refined oil on his vehicle when he was waylaid by four miscreants. They tied his hands and left him on the road side and looted the consignment loaded on the vehicle.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case merely on suspicion. The First Information Report has been



lodged by the informant against four unknown persons aged about 18-25 years, this petitioner is aged about 50 years. This petitioner was named by co-accused Amit Kumar in his confessional statement and the said statement has got no legal value. The police has shown recovery of 45 tins of refined oil from the house of the petitioner but the same is false and concocted story created by the police. Learned counsel further submits that the nephew of the petitioner, namely, Aryan @ Karnal has also been made accused in this case and at his instance recovery of 26 tins of refined oil has also been shown but both the recoveries shown from the joint house of the petitioner as well as co-accused nephew Aryan @ Karnal. Learned counsel further submits that the petitioner has no concern with any of the co-accused persons and the provisions of Section 392 of IPC would not attract against the petitioner. The petitioner is in custody since 11.10.2021 and the charge-sheet has been submitted in this case. The petitioner is having clean antecedent.

Learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the clean antecedent of the petitioner and further considering the



period of custody of the petitioner as well as submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Patna in connection with Jakkanpur P.S. Case No. 521 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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