

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5835 of 2022

Arising Out of PS. Case No.-166 Year-2020 Thana- PUPRI District- Sitamarhi

Sonu Kumar S/o Late Jagarnath Das Resident of Village - Nagar Panchyat
Pupri, P.S. - Pupri, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Kumar, Advocate.

For the Opposite Party/s : Mr.Veena Rani Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 21-06-2022 The learned counsel for the petitioner is directed to re-move all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in a case registered for the offences punishable under Sections 461 and 379 of the Indian Penal Code.

Allegedly this petitioner and co-accused persons stole away the gold and silver ornaments from the shop of informant and the FIR was lodged against unknown persons and the petitioners involvement surfaced in the statement of co-accused.

The main submissions advanced by learned counsel for the petitioner are that this petitioner has been languishing in jail for last 17 months and the alleged offences are punishable under



Section 461 and 379 IPC and during the course of investigation two accused persons were arrested who made disclosure statements following which recovery of some stolen jewellery was made and thereafter this petitioner was remanded in this case but during the course of investigation no any recovery of alleged stolen articles was made from the possession of this petitioner and in this way against this petitioner there is no any legal evidence except the confessional statement of the co-accused persons given before the police and the investigation has been completed in respect of the petitioner. Further submission is that against the petitioner there is criminal antecedent of three cases apart from the present case and he is on bail in the said cases.

Learned APP has opposed the prayer for bail.

In view of above submissions as well as considering petitioner's custody period and mainly the fact that after arrest of this petitioner in the present case no any recovery of alleged stolen jewellery was made from the possession of this petitioner and coupled with the fact that the investigation has been completed in respect of the petitioner as submitted and petitioner is on bail in respect of other criminal cases shown as his criminal antecedent and he has been languishing in jail since 8.2.2021, in the light of these facts a lenient approach can be taken in respect of petitioner's prayer, 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 concerned Court in connection with Pupri P.S. case No. 166 of 2020 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tempers 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.

(4) 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 other than the three cases mentioned in this petition, 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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