

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9645 of 2022

Arising Out of PS. Case No.-664 Year-2021 Thana- SHEKHPURA District- Sheikhpura

ANUP KUMAR SINGH @ ANUP SINGH S/o Nagendra Kumar Singh
Resident of Village- Garhani, P.S.- Ayar, District- Bhojpur (Ara) at Present-
Jaiprakash Nagar, P.S.- Dhanbad, District- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Senior Advocate
For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-07-2022 Heard learned senior counsel appearing on behalf of

the petitioner and learned counsel appearing on behalf of the

State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Shekhpura P.S. Case No. 664 of 2021 registered for the offence
under Section 379 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 10.01.2022.

The allegation against the petitioner is to commit theft
of one Hywa Truck bearing registration no. BR53 G9161 of the



informant alongwith other co-accused persons.

Learned senior counsel appearing on behalf of the petitioner submitted that except confessional statement nothing incriminating appears against the petitioner. The name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Anand Kumar, in furtherance thereof nothing incriminating material surfaced/recovered during course of investigation as to connect the petitioner with present set of occurrence. It is submitted that petitioner is a man of clean antecedent. It is submitted that petitioner has already granted provisional bail vide order dated 12.04.2022 by one of the learned Co-ordinate Bench of this Court with direction to surrender after solemnizing his marriage before the Court below on 06.05.2022. It is submitted that petitioner surrendered before Court below in terms of direction dated 12.04.2022. It is also submitted that even during said period, there is no allegations as to misuse of bail against the petitioner. It is submitted that similarly situated co-accused person has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 9612 of 2022 dated 09.06.2022. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such,



there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that petitioner is not named in FIR.

Considering the facts and circumstances as mentioned above, as nothing incriminating material surfaced or recovered during course of investigation which may connect the petitioner with present set of occurrence, *prima facie*, in furtherance of confessional statement of co-accused coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Shekhpura P.S. Case No. 664 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Shekhpura/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Ujjawal Singh @ Ujjawal Kumar Singh,



*who is the Elder brother of the petitioner
and deponent of the present bail petition.”*

(Chandra Shekhar Jha, J)

R.S.Sen/-

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