

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11601 of 2022

Arising Out of PS. Case No.-46 Year-2018 Thana- ATHMALGOLA District- Patna

Happy Singh @ Happy Kumar Son Of Sri Awadhesh Singh @ Sadhu Singh
R/O Village- Sirsi, P.S.- Bakhtiyarpur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh, Advocate
For the Opposite Party/s : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 16-06-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Section 392/34 of the Indian Penal Code.

The F.I.R. of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. In fact the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of confessional statement of co-accused Sadhu Singh @



Awadhesh Singh, Guddu Kumar and Saurabh Kumar @Bahira. He further submits that co-accused namely Awadhesh Singh @ Sadhu Singh, father of the petitioner was arrested by the police and some looted article has been recovered from the house of the petitioner. He further submits that the petitioner is not owner of the house and the owner of the house is father of the petitioner namely Awadhesh Singh @ Sadhu Singh. Co-accused Awadhesh Singh @ Sadhu Singh has been granted bail by a Coordinate Bench of this Court vide order dated 07.08.2019 in Cr. Misc. No. 48864 of 2019 and the police after investigation submitted chargesheet against the petitioner and cognizance has been taken under Sections 392/34, 379/34 of the Indian Penal Code against the petitioner and the petitioner is in custody since 21.01.2021.

Learned APP for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with



Athmalgola P.S. Case No. 46 of 2018, with 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 and shall remain physically present as directed by the Court 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 tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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.

(Rajesh Kumar Verma, J)

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