

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13349 of 2022

Arising Out of PS. Case No.-349 Year-2020 Thana- BALIYA District- Begusarai

Shambhav Kumar, Son of Pankaj Singh @ Pankaj Kumar Singh, Resident of
Village- Pansalla, Ward No. 13, P.S.- Muffasil Begusarai, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-06-2022 Today this case has been listed on priority basis, on
the motion slip filed by the learned advocate on record.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Shanti Bhushan Singh, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with S.T. No. 44 of 2022, arising out of Balia P.S.
Case No. 349 of 2020, for the offences punishable under Section
395 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, it is alleged that on
28.12.2020 when the informant went to buy straw along with
Sujit Kumar and Sanjay Mahto from his Pick-Up van, all of a



sudden six miscreants intercepted them and on the point of pistol looted Rs.23,000/- and snatched the other valuables and also fled away with the Pick-Up van.

It is submitted by the learned counsel appearing on behalf of the petitioner that the petitioner is is not named in the F.I.R. and he has been remanded in this case from Patepur P.S. Case No. 179 of 2021. It is further submitted that though the petitioner is in custody since 24.12.2021, but till date he has not been put on Test Identification Parade nor any incriminating material has been recovered from the conscious possession of the petitioner. So far the looted Pick-Up van is concerned, the same has been recovered from the possession of co-accused Anmol Kumar and Prince Kumar Saw. It is also submitted that co-accused Prince Kumar has been granted anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 39309 of 2021 vide order dated 10.01.2022. He next submitted that so far the other two criminal cases are concerned, the petitioner is on bail.

On the other hand, learned APP for the State opposes the bail application and submits that the name of the petitioner has transpired during the course of investigation and he was in touch with co-accused Anmol Kumar, which has also come in



the C.D.R.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the F.I.R. has been instituted against unknown persons and his name has transpired only on the basis of CDR that he was in touch with co-accused Anmol Kumar and moreover there is no recovery from the person or possession of this petitioner and the petitioner is in custody since 24.12.2021 and the investigation of the crime has already been concluded and charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Begusarai in connection with S.T. No. 44 of 2022, arising out of Balia P.S. Case No. 349 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 antecedent, the court below shall take step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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