

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15575 of 2022

Arising Out of PS. Case No.-385 Year-2020 Thana- TEGHRHA District- Begusarai

SHANKAR KUNWAR SON OF JAY KANT KUNWAR RESIDENT OF
VILLAGE- BHARAUL, P.S.- BACHCHWARA, DIST.- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate

For the Opposite Party/s : Mr.Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 13-10-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioner is in judicial custody in connection
with Teghra P.S. Case No. 385 of 2020 for the offences under
Sections 392, 397 of the Indian Penal Code and later on chare
sheet under Section 411 of IPC has submitted.

In this case, case diary was called on the 26.07.2022
and the same has since been received.

As per the prosecution story, the informant alleged
that while returning home, motorcycle borne three accused
persons overtook him and on the point of pistol looted his
motorcycle and other belongings.



Learned counsel for the petitioner submits that the F.I.R is against unknown and his name has come in the confessional statement of co-accused, Suraj Kumar. He further submits that subsequently due to his criminal antecedent, he surrendered in Court on 19.08.2021 but no T.I. Parade was done nor any incriminating materials/items relating to the case in hand was recovered from his possession. It is his last submission that similarly placed co-accused persons namely, Aman Kumar and Suraj Kumar (on whose confession he was implicated in this case) have since been released on bail vide Cr. Misc. No. 33939 of 2021 and Cr. Misc. No. 37904 of 2021 respectively by Co-ordinate Benches on 1.12.2021 and 13.12.2021.

Taking into account all the aforesaid facts that the petitioner is in custody since 19.08.2021, his name has come in the confessional statement, nothing has been recovered from his conscious possession, no T.I. Parade has been done, charge sheet stands submitted and the similarly placed co-accuseds have since been released on bail, as stated aforesaid, this Court is inclined to grant him privilege of bail with conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Court of J.M 1st Class, Begusarai in connection with Teghra P.S. Case No. 385 of 2020, subject to the following conditions.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave his/her district (Begusarai) for a period of three month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha/-

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