

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17638 of 2022

Arising Out of PS. Case No.-193 Year-2021 Thana- BARBIGHA District- Sheikhpura

Sonu Kumar @ Balmukund Kumar S/o Baleshwar Mahto R/o village-
Karkain, P.S.- Ghoswari, District- Patna, at present Village- Narainpur Garh,
P.S.- Barbigha, District- Shekhpura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Braj Kishore Prasad Sinha, Advocate

For the Opposite Party/s : Mr.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

The petitioner is in custody in connection with
Barbigha P.S. Case No. 193 of 2021 under sections 413 &
414/34 of the Indian Penal Code.

In this case, on 25.7.2022, case diary was called for
and the same has since been received.

As per the prosecution story, the Assistant Sub-
Inspector of Police (Kewati O.P.) lodged the FIR stating that
while raiding some motor garages, he found one mechanic



detaching parts of the motorcycles (Hero Glamour and Hero Passion). None of them were having registration number. As he failed to provide any document relating to the said motorcycle, it was assumed that these are the stolen one and accordingly the same were taken into custody as also the person involved in it. The said Kaushal Kumar who was arrested from the spot, made a confessional statement in which he named Dhiraj Kumar and Sandip Kumar who steal motorcycles. Thereafter, another garage of Kaushal Kumar was raided and master key of the motorcycle was recovered/seized. It was followed another seizure of motorcycle and Dhiraj Kumar was arrested followed by the arrest of this petitioner and from his garage also some parts of the motorcycle was recovered.

Learned counsel for the petitioner submits that his name has come up in the confessional statement of co-accused and has been implicated only because he has criminal antecedent. He further submits that similar placed co-accused have since been released on bail vide Cr. Misc. No. 44543 of 2021 (Dhiraj Kumar) on 23.2.2021 and (Sandip Kumar) vide Cr. Misc. No. 44918 of 2021 on 23.2.2022. He lastly submits that he is in custody since 5.2.2022 (as stated in para-13 of the bail application) and he as such submits that the petitioner too



deserves bail.

Considering the fact that his name has come in the confessional statement of co-accused, he is in custody since 5.2.2022, other co-accused have since been granted bail and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail with certain 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 Chief Judicial Magistrate, Sheikhpura, in connection with Barbigha P.S. Case No. 193 of 2021 subject to the following conditions:

(i) one of the bailors should be the family members 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 reasons will entail his cancellation of bail by the Trial Court itself;

(iii) he shall appear before the concerned police station every fortnight for next six months to mark his presence;

(iv) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

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