

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28035 of 2021**

Arising Out of PS. Case No.-552 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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SUJAY KUMAR @ BHOLU KUMAR @ GOLU KUMAR Son of Late
Gopal Singh @ Gopal Kumar Resident of Village- Sihma, Tinkhunt, Ward
No. 18, P.S. Matihani, District - begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sandip Kumar Gautam

For the Opposite Party/s : Mr.Uday Chand Prasad

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 29-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Muffasil P.S.

Case No. 552 of 2019 registered for the offences punishable

under Section 392 of the IPC.

The FIR of the occurrence of loot is against unknown.

Learned counsel for the petitioner submits that

petitioner is not named in the FIR and he has falsely been

implicated in the present case. It is further submitted that police



collected CDR of mobile in question and it was found that the SIM Card, which had been used in looted mobile, has been registered in the name of one Daizy Devi, wife of Gopal Singh. He further submits that in fact, Daizy Devi is mother of the petitioner. He further submits that description of the looted mobile does not tally with the recovered mobile from possession of the petitioner. Petitioner is in custody since 30.01.2021.

The learned Additional Public Prosecutor vehemently opposed the prayer of bail submitting that petitioner carries one criminal antecedent.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Muffasil P.S. Case No. 552 of 2019, subject to 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 witnesses, 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 antecedent, 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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