

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19195 of 2022**

Arising Out of PS. Case No.-146 Year-2021 Thana- ARWAL District- Jehanabad

MANISH KUMAR Son of Late Rampravesh Singh Resident of Village -
Rampur, P.s.- Arwal, Distt.- Arwal. 804401

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vikash Kumar, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER**

3 05-09-2022 Heard Mr. Vikash Kumar, learned counsel for the
petitioner and the State.

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

The case is registered under sections 461, 379 of
the Indian Penal Code, in connection with Arwal P.S. Case
No. 146 of 2021.

The prosecution story, in brief, is that on
21.5.2021, while the informant went to his shop and found
that window's rod was broken and the materials were
scattered on the floor and Rs. 1,50,000/- kept in the lock was
found missing. The informant further stated that on
20/05/2021 he had received call from unknown person who



had asked regarding the opening of the shop upon which he replied that because of night, shop is closed and tomorrow the materials would be given. During the course of his personal inquiry, on 26/05/2021 one boy namely Kundan Kumar came at his shop and on being asked he accepted that he had called him in the night of 20.05.2021 regarding opening of the shop. During enquiry, he confessed that he along with Manish Kumar (petitioner), Rajnesh Kumar and three unknown persons had committed alleged offence in his shop.

Learned counsel for the petitioner submits that there is delay in lodging of the FIR and has not been explained and secondly the alleged recovery of stolen cash from him cannot be attributed to the said loot in absence of any number of currency notes provided by the informant.

Learned APP on the other hand submits that during the investigation, the role of the petitioner had come which cannot be ignored. He was caught by the police and the alleged amount of Rs. 6,900/- was also recovered from him.

Considering the aforesaid facts that he has no criminal antecedent, is in custody since 27.05.2021 and the charge-sheet stands submitted, this Court is inclined to grant him the privilege of bail. However, if it is found that he do



have criminal antecedent, this bail order shall become infructuous.

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, Arwal, in connection with Arwal P.S. Case No. 146 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.

Before parting, this Court would like to record the word of appreciation from Mr. Vikash Kumar, learned



counsel for the petitioner.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Ravi/Ajay Singh

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