

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20312 of 2022

Arising Out of PS. Case No.-367 Year-2021 Thana- SONEPUR District- Saran

Praduman Kumar Son Of Ashok Rai R/O- Village- Pahleja Shahpur Diyara
P.S.- Sonapur, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-09-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Sonapur P.S. Case No.367 of 2021 registered for the offence punishable under Section 392 of the Indian Penal Code.

As per the allegation, on the alleged date and time of occurrence, the informant was travelling by a pick up vehicle along with his brother and a relative and they stopped at a railway crossing gate which was closed and then three unknown persons arrived on a motorcycle and looted mobile phones, Rs.1000/- cash and key of the said vehicle from the possession



of informant and his companions.

The main submissions advanced by the learned counsel Mr. Manish Chandra Gandhi for the petitioner are that the petitioner was arrested in connection with Sonapur P.S. Case No.368 of 2021 and thereafter he was remanded in two more cases including the present case which were lodged against unknown persons and against the petitioner the investigation has been completed and after the petitioner was taken into custody in the instant case, the police failed to recover any incriminating material or looted article from the possession of the petitioner and he has not been put on Test Identification Parade by the police and one co-accused Prakash Kumar @ Chhotan has been granted bail by this Court vide order passed in Cr. Misc. No.21158 of 2022 and the petitioner has been languishing in jail since 04.10.2021.

Learned APP Mr. Manoj Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the case diary of this case. The petitioner has mainly taken the defence that the police failed to recover any looted article or any other incriminating material after the petitioner has been taken into custody in the instant matter and the petitioner was not put on



Test Identification Parade. In rebutal of the said defence the learned APP has not drawn the attention of this Court to any relevant material in the case diary and it appears that the prosecution has mainly taken the plea that the confessional statement of this petitioner recorded in connection with Sonapur P.S. Case No.368 of 2021 discloses his involvement in the alleged occurrence. Against the petitioner, the chargesheet has been submitted and one co-accused namely Prakash Kumar @ Chhotan is on bail granted by this Court and in the petitioner's case the Court below has taken cognizance of the alleged offence and his case appears to be at initial stage of trial. Considering these facts in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Sonapur P.S. Case No.367 of 2021.

(Shailendra Singh, J.)

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