

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21158 of 2022

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

Prakash Kumar @ Chhotan S/O Premdhan Ray R/o village- Najar Mira, P.S.-
Sonepur, District- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kumar Yadav, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 19-07-2022 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
Sonepur P.S. Case No. 367 of 2021 registered for the offence
under Section 392 of the Indian Penal Code.

As per allegation, on the alleged date and time of
occurrence, the informant was traveling 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 they 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 learned counsel for the petitioner are that the petitioner's role in the alleged crime surfaced in the statement of co-accused person namely Pradyuman Kumar on which basis the petitioner has been dragged in this case and he has been languishing in jail since 06.07.2021 and after his arrest any incriminatory material was not recovered from his possession and the charge-sheet has been submitted against him and petitioner was not put to TIP and against him there is no legal evidence.

Learned APP appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The learned counsel appearing for the petitioner has mainly taken the plea that against the petitioner there is no legal evidence and the prosecution is mainly relying upon the statement of co-accused recorded by him before the police. The order of Court below shows that petitioner's case is under trial and the cognizance of the alleged offences has been taken. Considering these facts as well as petitioner's custody period and stage of his case, in my view a lenient approach can be taken in respect of 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 concerned Court in Connection with Sonepur P.S. Case No. 367 of 2021, on 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 below and shall remain physically present as directed by the Court below 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) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

sangam/-

U		T	
---	--	---	--

