

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22841 of 2022

Arising Out of PS. Case No.-456 Year-2019 Thana- BARH District- Patna

Shailesh Kumar @ Kallu Kumar, Son of Nathu Yadav, Resident of Village-
Munna Chak, New Chitra Gupta Nagar, P.S.- Patrakar Nagar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Mohammed Ali, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-07-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Praveen Kumar, learned counsel for the
petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Barh P.S. Case No. 456 of 2019 registered for
the offences punishable under Sections 414, 419, 420, 467, 468,
471/34 of the Indian Penal Code.

As per prosecution case, it is alleged that on secret
information that some miscreants after committing theft of
Scorpio and Bolero were trying to flee away and on the
aforesaid information the police intercepted one white colour
Honda Car and also apprehended two persons, who were sitting



therein. It is further alleged that both the persons disclosed that they have committed theft of Scorpio and Bolero and on the basis thereof both the vehicles were seized. It is also alleged that both the apprehended persons have disclosed the name of other associates.

Learned counsel for the petitioner submits that the name of the petitioner transpired on the confessional statement of co-accused Ravi Kuamr and save and except the confession, there is no material, which suggests the complicity of this petitioner in the present crime. It is next submitted that from the tenor of the F.I.R. it appears that the apprehended person disclosed the name of only one Kallu Kumar, resident of Patrakar Nagar, Patna and this petitioner denies the fact that his name is Kallu Kumar, rather his name is Shailesh Kumar. It is also submitted that the petitioner is in custody since 14.01.2022 and thereafter he has been remanded in three other cases, which have been mentioned in para 3 of the petition.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner has been found involved in committing theft of the vehicles.

Having regard to the submissions made on behalf of the parties and considering the fact that the name of the



petitioner transpired on the confessional statement of co-accused, who was apprehended by the police and save and except the confession there is no other material against this petitioner and this petitioner is in custody since 14.01.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Barh, Patna in connection with Barh P.S. Case No. 456 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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