

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23874 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- KOILWAR District- Bhojpur

Sumant Yadav @ Sumant Kumar S/O Mahesh Yadav R/o village- Neknaam
Tola, P.S.- Barhara, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 02-08-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Surendar Kumar Singh, learned counsel
for the petitioner as well as learned Additional Public Prosecutor
for the State through video conferencing.

Petitioner seeks bail in a case registered in connection
with Koilwar P.S Case No. 22 of 2021 for the offences
punishable under Sections 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that on
18.01.2021, while the informant was going on his motorcycle to
open his Grahak Sewa Kendra, in the meantime three miscreants
intercepted and looted Rs. 1 lac and other valuables goods.

Learned counsel for the petitioner submits that FIR
has been instituted against unknown miscreants. However, the



name of the petitioner has been transpired on the confessional statement of one Bhim Yadav, who was arrested after two days of the occurrence. It is further submitted that save and except the extra judicial confession, there is no other material against the petitioner which suggest the complicity of the petitioner and moreover, neither the petitioner is put on TIP nor any incriminating article has been recovered from person or possession of the petitioner. It is lastly submitted that petitioner is in custody since 15.02.2022, having clean antecedent and investigation is already completed and charge sheet has been submitted.

On the other hand, learned counsel for the State opposed the bail application of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner is neither arrested on the spot nor any incriminating article has been recovered from person or possession of the petitioner. Save and except extra judicial confession there is no other material petitioner is in custody since 15.02.2022, though investigation has already been concluded and the charge sheet has been submitted, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty Thousand)



with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Koilwar P.S Case no. 22 of 2021 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.

(Harish Kumar, J)

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