

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32444 of 2021

Arising Out of PS. Case No.-766 Year-2020 Thana- ALAMGANJ District- Patna

SHASHI KUMAR S/O- Sri Ramnath Prasad R/O- Purvi Nandgola, P.S. -
Malsalami, Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nityanand Kumar, Adv.
For the Opposite Party/s : Mrs. Sangita Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 07-02-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Alamganj P.S. Case No. 766 of 2020 (Special Case No. 171 of 2020) registered for the offence under Sections 411 and 414 of the Indian Penal Code and Section 20 and 22 of the N.D.P.S. Act.

Recovery is of one golden ring of 2.5 gram from the possession of the petitioner.

Learned counsel appearing for the petitioner



submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. In fact, the petitioner has been made accused in this case merely on the basis of confessional statement of the co-accused, namely, Sanjay Sao @ Bhola Thathera. Save and except the confessional statement of the co-accused, no cogent material has come during course of investigation against the petitioner. Moreover, nothing incriminating has been recovered from the possession of the petitioner rather a golden ring of 2.5 gram has been recovered from the pocket of the petitioner as is evident from the F.I.R. and seizure list itself. The police after investigation has also submitted charge sheet in this case against the petitioner and he has been rotting in judicial custody since 16.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, 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 learned Additional Sessions Judge-XIII, Patna in connection with Alamganj P.S. Case No. 766 of 2020 (Special Case No.



171 of 2020) with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

And, further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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