

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27779 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- RAJAON District- Banka

=====

Suman Kumar, Son of Kishori Yadav, Resident of Village - Dhannichak, P.S.-
Amarpur, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Alok Kumar Choudhary, Advocate

For the Opposite Party/s : Mrs.Nirmala Kumari, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Rajaun P.S. Case No. 31 of 2022 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, four miscreants on two motorcycles surrounded the informant and at gunpoint took away his motorcycle, mobile phones, his purse containing Rs. 5500/- and a gold chain. Further they also transferred Rs. 5000/- after asking for his pin of google pay. They assaulted him and



even took away all documents of the motorcycle including his driving licence. The name of the petitioner came up during investigation as one of the accused persons.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and he has been falsely implicated in this case by some miscreants who are inimical to him. Nothing incriminating has been recovered from his conscious possession. The miscreants deliberately gave his mobile number and transferred the money to him in order to implicate this petitioner in this case. No Test Identification Parade has been conducted. The other co-accused person has been granted bail by this Court vide order dated 22.08.2022 passed in Cr. Misc. No. 26250 of 2022. The petitioner is in custody since 05.02.2022 and the charge-sheet has been submitted in this case. The petitioner has got clean antecedent.

Learned APP opposes the prayer for bail submitting that Rs. 5000/- was transferred into account of this petitioner through google pay.

Having regard to the submissions made hereinabove and considering the fact that the petitioner has got no criminal antecedent and further considering the submission of charge-sheet as well as the period of his custody, the petitioner above



named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka, in connection with Rajaun P.S. Case No. 31 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be the deponent, who has sworn the affidavit.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

balmukund/-

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

