

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37413 of 2021**

Arising Out of PS. Case No.-209 Year-2020 Thana- PURAINI District- Madhepura

Sudhir Kumar Son Of Rambilash Sah Resident Of Village- Puraini, P.S.-
Puraini, District- Madhepura.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Manoj Kumar Pandey, Advocate
For the Opposite Party/s	:	Mr. Narendra Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 18-01-2022 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard Mr. N.K. Agrawal, learned Senior Counsel assisted by Mr. Manoj Kumar Pandey, learned Advocate and Mr. Narendra Kumar Singh, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Puraini P.S. Case No. 290 of 2020 registered for the offences punishable under Sections 384, 385, 504, 506, 34, 386, 387 of the Indian Penal Code. He has got one criminal antecedent and by filing a supplementary affidavit the petitioner has stated that he is on bail in the said case.

Learned Senior Counsel for the petitioner submits that the petitioner is not named in the FIR, his name has transpired in course of investigation in the confessional statement of the co-accused



Akhilesh Kumar Yadav.

It is further submitted that from the FIR itself it will appear that the informant and his son had got demand of rangdari from an unknown mobile number and in course of investigation, the said mobile number was found to be that of co-accused Akhilesh Kumar Yadav. The police arrested said Akhilesh Kumar Yadav and from his possession the mobile was also recovered. The CDR of the said mobile shows that on several occasions calls were made to the informant and his son from the said mobile. So far as this petitioner is concerned, save and except the confessional statement of the co-accused extracted in police custody, there is no other materials against the petitioner.

In order to strengthen his submission, learned Senior Counsel has shared with this Court a copy of the order dated 07.02.2021 passed by learned Sessions Judge, Madhepura in B.P. No. 48 of 2021 and B.P. No. 64 of 2021. In the said common order, the complete materials which have come in course of investigation have been recorded.

Learned Senior Counsel submits that the thrust of the materials collected in course of investigation are against co-accused Akhilesh Kumar Yadav. It is further submitted that in the impugned order of this case learned Additional District and Sessions Judge-V, Madhepura has simply recorded about the mobile which is involved in the occurrence, however, there is no material showing that the



mobile of this petitioner was involved in the occurrence.

Learned APP for the State has though opposed the prayer for regular bail of the petitioner but considering the materials before this Court particularly the materials noticed in the bail order of the learned Sessions Judge, Madhepura in case of Akhilesh Kumar Yadav and further that this petitioner has remained in custody in connection with this case since 12.12.2020, investigation against him is complete, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Madhepura in connection with Puraini P.S. Case No. 209 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

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.

And further condition that till conclusion of the trial in the present case the petitioner shall mark his attendance in the Puraini Police Station in the District of Madhepura within whose jurisdiction he is residing at least once in every two months. The Station House



Officer of the Police Station shall record his attendance. The complete whereabouts of the petitioner and his mobile number etc. shall be recorded in the police station and in case this condition is violated by the petitioner, the S.H.O. shall take steps for cancellation of bail of the petitioner.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

