

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.37935 of 2021**

Arising Out of PS. Case No.-182 Year-2019 Thana- SHAMBHUGANJ District- Banka

Uttam Kumar @ Uttam Ram S/O Manoj Ram R/O Village - Dharampur, P.S. -
Shambhu Ganj, District - Banka.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

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

3 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 learned counsel for the petitioner and Mr. Atul
Chandra, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Shambhuganj P.S. Case No. 182 of 2019
registered for the offence punishable under Section 392/34 of
the Indian Penal Code. He has got 3 criminal antecedents as
stated in paragraph 3 and in all the 3 cases, he is said to be on
bail.

Learned counsel for the petitioner submits that in the
present case a sum of Rs.1,15,770/- and a mobile phone were
looted away from the informant on 03.08.2019, however, the



petitioner has been taken on remand in the present case on 28.01.2021 alleging that the mobile phone of the informant was found in use by inserting a new SIM and the said mobile has been recovered from the house of this petitioner.

Learned counsel submits that the petitioner has only been framed in this case as the alleged recovery has been shown during the period when he was already in custody in connection with another case. It is his further submission that the petitioner has not been identified by the informant, no test identification parade has been conducted so far and even the mobile allegedly recovered from the house of the petitioner has not been identified by the informant. The petitioner has remained in custody in connection with this case since 28.01.2021 though he had gone in custody in connection with other case on 30.10.2019 and since then he is in custody.

Learned counsel further submits that considering the nature of the materials on the basis of which the petitioner has been brought in this case after about 2 years of the alleged occurrence and further that there is no identification of the petitioner, the trial is not likely to be commenced and concluded in near future, he may be released on bail.

Learned APP for the State has opposed the prayer for



regular bail of the petitioner. It is submitted that the petitioner has got involved in yet another case of similar nature.

Having regard to the materials placed before this Court, the fact not controverted that the petitioner is in judicial custody since 30.10.2019 who has been taken on remand in the present case on 28.01.2021 on the basis of the recovery of the mobile but since then there is no identification either of the petitioner or of the mobile recovered from his house, the petitioner has already remained in jail in connection with this case for about one year, he has 3 criminal antecedents in which he is on bail, 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.-IV, Banka in connection with Shambhuganj P.S. Case No. 182 of 2019, 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 henceforth till conclusion of trial of this case, the petitioner shall mark his attendance with the S.H.O. of Shambhuganj Police Station at least once in every two months and shall render his complete address and mobile number to the Station House Officer and violation of this condition shall invite cancellation of bail of the petitioner and it will be open for the Station House Officer to take steps for cancellation of bail.

This 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'.

