

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.40134 of 2021**

Arising Out of PS. Case No.-247 Year-2020 Thana- TEGHRHA District- Begusarai

MINTU KUMAR, Son of Ganesh Mahto, Resident of Village- Kacharhi Tola,
Rachiyahi, P.S.- Muffasil (Sidhaul), District- Begusarai. Petitioner
Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr.Ravi Shankar Sahay, Advocate
Ms.Perna Anand, Advocate
For the Opposite Party/s : Mr.Yogendra Kumar Singh, A.P.P.

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

2 02-02-2022 Learned counsel for the petitioner undertakes to remove the defects as pointed out by the Stamp Reporter within four weeks after start of normal functioning of this Court.

Heard Mr. Ravi Shankar Sahay, learned counsel for the petitioner assisted by Ms. Perna Anand, learned Advocate and Mr. Yogendra Kumar Singh, learned APP for the State.

The petitioner in the present is seeking regular bail in connection with Teghra P.S. Case No. 247 of 2020 registered for the offences punishable under Sections 395, 412, 120(B) of the Indian Penal Code. The petitioner is in custody since 19.09.2020. He has got three criminal antecedents. Ms. Perna Anand, learned counsel for the petitioner has made specific statement at the Bar on query made by this Court that the petitioner is on bail in all the three cases as stated in paragraph '3'.

Learned counsel for the petitioner submits that the F.I.R.



is against unknown. Allegation is that six miscreants armed with weapons had entered in the shop covering their face by helmet and *gamchha* and they started firing and thereafter looted away jewellery box containing 2500 gms. and 115 gms and fled away with motorcycles.

Learned counsel submits that in course of investigation, the name of the petitioner has been brought within the purview of investigation on the basis of the confessional statement of co-accused Ramgati alias Larha from whose possession some jewellery were recovered. So far as this petitioner is concerned, no incriminating article has been recovered from his possession and despite the fact that he has remained in custody for almost one and half year, he has not been put on Test Identification Parade.

Learned counsel further submits that the co-accused similarly situated namely Chandan Kumar has been granted bail by this Court in Cr. Misc. No. 13620 of 2021 vide order dated 21.09.2021. It is submitted that if released on bail, the petitioner is ready to abide by such terms and conditions which may be imposed upon him.

On the other hand, Mr. Yogendra Kumar Singh, learned A.P.P. for the State has opposed the prayer for bail of the petitioner but it is not controverted that there is no recovery from the possession of the petitioner and he has not been put on Test



Identification Parade.

This Court has heard learned counsel for the petitioner and learned A.P.P. for the State and perused the order passed in Cr.Misc. No. 13620 of 2021 by which the co-accused has been granted bail. In the said case after going through the materials present in the case diary, this Court has taken note of the fact that there was no material connecting the co-accused save and except that confessional statement. The specific submission of the petitioner is that he stands on similar footing and the same remains uncontroverted, therefore, considering further that he has remained in custody for one and half year, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Teghra P.S. Case No. 247 of 2020, subject to the conditions as laid down under Section 437(3) of the Cr.P.C.

And further condition that henceforth once in every two months the petitioner shall mark his attendance before the S.H.O. of Muffasil (Sidhaul) police station in the District of Begusarai and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then



also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Muffasil (Sidhaul) police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

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.

Let this order be communicated to the Superintendent of Police, Begusarai to ensure the compliance of this order.

The application stands allowed.

(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'.

