

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33347 of 2022

Arising Out of PS. Case No.-104 Year-2021 Thana- ATHMALGOLA District- Patna

Shiv Kumar @ Shiva Kumar, S/o Sone Lal Sao, Resident of Mahmampur,
P.S.- Bakhtiyarpur, Post- Sabnima, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sidhendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with S.Tr. No.738 of 2021 arising out of Athmalgola P.S. Case
No.104/2021 instituted under Sections 392, 395 of the I.P.C.

The allegation in the FIR is that, the accused persons
decamped with Rs.106972/- that was kept in a bag and was the
collection amount, he being the Manager in the Bandhan Bank,
Bakhtiyarpur. The other looted article included the Tab,
Register, Calculator, Staplers which were also in the said bag.
Subsequently, in course of investigation, the name of the
petitioner cropped up and accordingly, he came into judicial
custody on 06.07.2021 (as stated in para-11 of the bail



application).

Learned counsel for the petitioner submits that he was made an accused in connection with Bakhtiyarpur P.S. Case No.103 of 2021 and thereafter also dragged in this Athmalgola P.S. Case No.104 of 2021. He submits that in the earlier case he has been granted bail on 26.04.2022 vide Cr. Misc. No.17782/2022, and with the help of para-6 of the bail application he submits that in the T.I. Parade the informant did not identify him nor there has been any recovery from his possession despite that he is in jail since 06.07.2021.

Considering the aforesaid fact that there is no recovery from his part, he has not been identified in the T.I. Parade, is in custody since 06.07.2021, charge sheet stands submitted and ultimately has to face the trial, this Court is inclined to grant him privilege of bail with conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with S.Tr. No.738 of 2021 arising out of Athmalgola P.S. Case No.104/2021 to the satisfaction of learned Additional District & Sessions Judge, 3rd, Barh, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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