

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43919 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- BIHPUR District- Bhagalpur

SUSHIL KUMAR Son of Shyam Mandal Resident of Village - Mdhuwan,
P.S. - Uda Kishungunj, Distt.- Mdhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr.Aditya Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-02-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor representing the State.

The petitioner seeks regular bail in connection with
Bihpur (Jhandapur) P.S. Case No. 185 of 2020 registered for the
offence punishable under Sections 379 of the I.P.C. and later on
Section 395 of the I.P.C. was added.

The prosecution case, as per the First Information
Report, is that some unknown thieves stolen the tractor of the
informant while the informant after parking the same on the
road side went to attend nature's call.

Learned Counsel for the petitioner submits that
petitioner is not named in the First Information Report and
subsequently Section 395 of the I.P.C. has been added on the
basis of re-statement of the informant recorded by the



Investigating Officer in which he has changed earlier prosecution story by stating that six accused persons arrived on a Bolero vehicle and pulled the informant out from his tractor and kept him in the Bolero vehicle and fled away with the informant's tractor. He next submits that name of the petitioner transpired on the basis of confessional statement of co-accused Vikash Kumar in Industrial P.S. Case No. 48 of 2020. He further submits that the petitioner was put on T.I. Parade however he was not identified by the informant as stated in paragraph no. 13 of this bail application. He next submits that no looted article and/or incriminating material has been recovered from the possession of the petitioner. He further submits that similarly situated co-accused persons, namely, Gautam Kumar (Cr. Misc. No. 36417 of 2021), Rahool Kumar Sah (Cr. Misc. No. 33574 of 2021) and Vikash Kumar (Criminal Misc. No. 39222 of 2021) have been granted bail by this Court. He further submits that the petitioner is in custody since 22.01.2021 and charge sheet has been submitted against him and as such, there is no likelihood that the petitioner will abscond and/or tamper with the evidence.

Regards being had to the submissions made by the parties and taking into consideration the material on record and



the fact that no looted article has been recovered from the possession of the petitioner, he is in custody since 22.01.2021, charge sheet has already been submitted and similarly situated co-accused have been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Naugachia, in connection with Bihpur (Jhandapur) Police Station Case No. 185 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

