

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43548 of 2021

Arising Out of PS. Case No.-32 Year-2021 Thana- BIHARIGANJ District- Madhepura

SONU KUMAR S/O VINAY KUMAR YADAV R/O VILLAGE-
SARSANDI, P.S-GWALPARA, DISTRICT-MADHEPURA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pawan Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2022 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and the learned APP for the State, Mr. Arbind Kumar Pandey.

The petitioner seeks regular bail in connection with Bihariganj P.S. Case No. 32/2021, registered for the offence punishable under Section 392 of the Indian Penal Code.

The allegation is regarding unknown miscreants having taken away the motorcycle of the informant while he had parked the motorcycle



and had gone on the side of the road for relieving himself.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 19.2.2021. The learned counsel for the petitioner has further submitted that the petitioner is an accused in one other case, but he is on bail in the said case. It is further submitted that the motorcycle in question has been recovered from the co-accused person, namely, Pappu Kumar and the mobile has been recovered from the co-accused person, namely, Vishal Kumar, however, no stolen articles have been recovered from the petitioner and the name of the petitioner has transpired in the present case upon confessional statement made by the co-accused person, namely, Vishal Kumar.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and



circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no stolen articles have been recovered from the conscious possession of the petitioner and the name of the petitioner has transpired in the present case merely on suspicion, upon disclosure being made by the co-accused person, namely, Vishal Kumar, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned JMFC, Udakishunganj, District-Madhepura in connection with Bihariganj P.S. Case No. 32/2021.

(Mohit Kumar Shah, J)

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