

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35050 of 2022

Arising Out of PS. Case No.-88 Year-2019 Thana- SOHSARAI District- Nalanda

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Anuj Kumar Singh @ Tuk Tuk, S/o Nagendra Singh, R/o village-
Sukhnandan Chak, P.S.- Jehanabad, District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lalan Kumar, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-09-2022 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, within a

period of four weeks from today.

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

The petitioner seeks regular bail, who is in custody in
connection with Soh Sarai P.S. Case No. 88 of 2019 registered
for the offence punishable under Section 395 of the Indian Penal
Code.

As per prosecution case, it is alleged that the husband
of the informant and her elder son had gone to school and the
informant along with her younger son were at the home. In the
meantime, five unknown miscreants armed with weapons
entered into her house on the pretext that the police were



chasing them. It is further alleged that later on the miscreants after locking the informant and her younger son looted the valuables including two mobile phones and jewelleryes worth Rs.5,00,000/-

Learned counsel appearing on behalf of the petitioner submits that the F.I.R. has been instituted against five unknown miscreants and the petitioner was neither apprehended at the spot nor any incriminating article has been recovered from his conscious possession. He further submits that in fact the petitioner was apprehended in connection with Jakkanpur P.S. Case no. 43 of 2019 and thereafter he was remanded in this case on 03.08.2021 and since then he is in custody. He next submits that the petitioner is in custody for more than one year, but till date he has not been put on Test Identification Parade and moreover the other co-accused persons, having identical allegation, have already been granted bail by different learned coordinate Benches of this Court in Cr. Misc. No. 18232 of 2020 vide order dated 05.06.2020 and Cr. Misc. No. 39709 of 2020 vide order dated 09.03.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner has multiple criminal antecedent and he is named in



eight other criminal cases, besides the present one.

Regard being had to the submissions made on behalf of the parties and considering the fact that the F.I.R. has been instituted against unknown persons and till date the petitioner has not been put on Test Identification Parade and other accused persons, having identical allegation, have already been granted bail by the different learned coordinate Benches of this Court, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Nalanda at Bihar Sharif in connection with Soh Sarai P.S. Case No. 88 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain physically present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be



cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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