

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37149 of 2022

Arising Out of PS. Case No.-214 Year-2021 Thana- BHAGWANPUR District- Begusarai

SUNNY KUMAR SON OF DILIP PASWAN R/O VILLAGE- BAGRAS,
P.S.- BHAGWANPUR, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Sagarika, Advocate

For the Opposite Party/s : Mr.Narsingh Tanti,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-09-2022 Heard Ms. Sagarika, learned counsel for the petitioner and learned APP for the State through video conferencing in view of the COVID 19.

Let the defect(s), if any, as pointed out by the office be removed within four weeks.

The petitioner is an accused in connection with Bhagwanpur P.S. Case No. 214 of 2021 under Section 392 of the Indian Penal Code.

As per the prosecution story, the informant has alleged that the he is an employee of Bandhan Bank and after collection of money, as he was on way, intercepted by accused persons at the point of pistol and took away Rs. 1,09,665/- after breaking the ‘dicky’ of the motorcycle as also mobile phones and group register etc.



Learned counsel for the petitioner submit that the FIR was against unknown, he was taken into custody in a different case and thereafter, forced to confess him in the present case and accordingly, he has been remanded on 04.01.2022.

It is her further submission that although the petitioner is in custody since 04.01.2022, neither any T.I.Parade conducted nor anything relating to the case in hand was recovered from his house.

Per contra, learned APP for the State, submits that there is a loot of Rs. 1,09,665/- and the role of the petitioner has cropped up in course of investigation.

Be that as it may, the petitioner is in custody since 04.01.2022, charge sheet stands submitted, no T.I. Parade has been conducted nor anything has been recovered from his possession (as submitted in the bail application), this Court is inclined to grant him privilege of bail subject to certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 15,000/- (Fifteen Thousand) with two sureties of like amount each to the satisfaction of learned C.J.M. Begusarai in connection with Bhagwanpur P.S. Case No. 214 of 2021, subject to the 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 reason will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall leave the district (Begusarai) for a period of two month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station (of his residence) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

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

With the aforesaid observations, the bail application is



allowed.

Before parting, this Court would like to put on record its word of appreciation for Ms. Sagarika, learned counsel for the petitioner for proper assistance in the matter.

(Rajiv Roy, J)

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