

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36416 of 2022**

Arising Out of PS. Case No.-366 Year-2021 Thana- GARDANIBAG District- Patna

Sonu Kumar, Son of Kamlesh Manjhi, R/O- Vill- New Haweli, P.O.- Nadwan
P.S.- Dhanrua Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Nandan Pandit, Advocate

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 07-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

A counter affidavit has been filed on behalf of the
Senior Superintendent of Police, Patna which is taken on record
and in the light of the submission made in this affidavit the same
is accepted regarding the directions contained in paragraph 6 of
the order dated 19.06.2022 of the Co-ordinate Bench.

The same has been filed within time i.e. on
20.10.2022.

In the present case, the petitioner seeks bail in
connection with Gardanibagh P.S. Case No. 366 of 2022
registered for the alleged offences under Section 379 of the
Indian Penal Code.



As per prosecution case, the motorcycle of the informant was stolen by unknown thieves. The name of the petitioner transpired as one of the accused persons during investigation.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner has been remanded in this case from Masaurhi P.S. Case No. 725 of 2021 which was lodged for offence under Sections 379, 411, 414 and 34 of IPC in which the stolen bike of the present case was recovered from the possession of the petitioner and two other co-accused persons but the said bike was driven by co-accused Sunny Kumar. In the aforesaid Masaurhi P.S. Case No. 725 of 2021 the petitioner was only a pillion rider and he was granted bail by the learned court below. Other co-accused have been granted bail by different Co-ordinate Benches of this Court vide order dated 22.08.2022 passed in Cr. Misc. No. 29505 of 2022 and order dated 10.10.2022 passed in Cr. Misc. No. 38415 of 2022. The petitioner is in custody since 14.02.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail submitting that the stolen motorcycle was recovered from the possession of this petitioner.

Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the grant of bail to other similarly placed co-accused persons and also considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna in connection with Gardanibagh P.S. Case No. 366 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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