

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45656 of 2021

Arising Out of PS. Case No.-793 Year-2020 Thana- MADHAURAH District- Saran

Mukesh Singh @ Nanhak Singh Son Of Late Shivpujan Singh Resident Of
Village- Faridapura, P.S.- Taraiya, District- Saran (Chapra).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-02-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Narsingh Tanti, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Sessions Trial No. 16 of 2021 arising out of Marhowrah (Gaura O.P.) P.S. Case No. 793 of 2020 registered for the offence punishable under Section 395/34 of the Indian Penal Code and later on Section 412 of the Indian Penal Code was added. He is in custody since 09.09.2020 and has one criminal antecedent in which he is on bail.

Learned counsel for the petitioner submits that as per the prosecution story, informant's tractor loaded with sand was looted away by 5 unknown persons.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that the name of the petitioner has transpired in the confessional statement of the co-accused. The petitioner is in custody since 09.09.2020.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the petitioner has been taken on remand in the present case from Taraiya P.S. Case No. 326 of 2020 in which he is on bail, in the present case he is not named and in course of investigation his name has transpired in the confessional statement of co-accused Rajeev Pratap Singh but save and except the confessional statement there is no other material to support the allegation against the petitioner and further submission that in this case the investigation is complete and the presence of the petitioner may be secured in course of trial and further that the trial is not likely to be concluded as informed to this Court in near future, this Court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Chapra, District-Saran in connection with Sessions Trial No. 16 of 2021 arising out of Marhowrah (Gaura O.P.) P.S. Case



No. 793 of 2020, subject to the condition as laid down under
Section 437(3) Cr.P.C.

And further condition that 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 steps for cancellation of bail bond of the
petitioner. However, the acceptance of bail bonds in terms of the
above-mentioned order shall not be delayed for purpose of or in
the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

