

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47252 of 2021**

Arising Out of PS. Case No.-133 Year-2020 Thana- KATHAIYA District- Muzaffarpur

SONU KUMAR S/O RAMADHIN MAHTO R/o village- Amaitha Mangosar,
P.S.- Saraiya, (O.P.- Jaitpur), District- Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 22-03-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

A supplementary affidavit, carrying out necessary correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

The petitioner seeks bail in Kathaiya P.S. Case No.133 of 2020, registered for the offence under Sections 356, 379,34 of the Indian Penal Code.

As per the prosecution case, on 09.11.2020 at about 5.00 PM, while the informant, after collecting money, reached near a school, two miscreants riding on a motorcycle snatched the bag of informant containing Rupees ninety thousand cash, Aadhar card, voter I-card, Tab, finger machine and his mobile phone and thereafter, fled away.



Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case only on the basis of the confessional statement of co-accused, namely, Shiv Kumar @ Shiva. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no T.I. Parade has been conducted by the prosecution. He further submits that co-accused, namely, Shiv Kumar @ Shiva has been granted bail vide order dated 23.11.2021 in Cr.Misc. No.48862 of 2021 by a Coordinate Bench of this Hon'ble Court and the petitioner is in custody since 26.02.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IV, West Muzaffarpur in connection with Kathaiya P.S. Case No.133 of 2020 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 step 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.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

