

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47923 of 2021

Arising Out of PS. Case No.-276 Year-2020 Thana- SIRDALA District- Nawada

Shubham Kumar @ Shivam Kumar S/O Ajay Prasad R/O Dakhin Darwaja,
P.S-Vishnupad, District-Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State in virtual Court proceeding.

The petitioner seeks bail in connection with Sirdala P.S.Case No.276 of 2020 registered for the offence under Section 395 of the Indian Penal Code.

The prosecution case, in short, is that while the informant was returning to his home by car, on the way, 15-16 persons having armed with lathi, pistol intercepted the vehicle and looted cash and mobile from possession of informant.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. He has falsely been



implicated in the present case. The name of the petitioner has come on the basis of confessional statement of co-accused. He further submits that co-accused, namely, Sanjay Paswan @ Sintu has been granted bail vide order dated 21.09.2021 in Cr. Misc. No.20554 of 2021, Golu Kumar @ Sumit Kumar @ Golu has been granted bail vide order dated 02.09.2021 in Cr. Misc. No.22462 of 2021, Tauquir Sah has been granted bail vide order dated 04.10.2021 in Cr. Misc. No.27449 of 2021, Sagar Kumar @ Mahesh has been granted bail vide order dated 13.08.2021 in Cr. Misc. No.30179 of 2021, Md. Mehrab has been granted bail vide order dated 14.12.2021 in Cr. Misc. No.39519 of 2021 and Satish Kumar has been granted bail vide order dated 16.12.2021 in Cr. Misc. No.40413 of 2021 by different Coordinate Benches of this Hon'ble Court. Petitioner is in custody since 03.09.2020.

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

Considering the aforesaid facts and period of custody, 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 Additional Chief Judicial Magistrate 1st, Nawada in connection with



Sirdala P.S.Case No.276 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)

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