

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52811 of 2021

Arising Out of PS. Case No.-18 Year-2021 Thana- NTPC District- Bhagalpur

=====
Sinku @ Md. Ayan Sohel S/O Md. Afsar Ali @ Afsar Ali R/O Village-
Pathanpura, P.S-Kahalgau, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====
Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP.

=====
CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 23-08-2022 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard Dr. Manoj Kumar, learned counsel for the
petitioner as well as Mr. Satyendra Narayan Singh, learned
Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with NTPC Case No. 18 of 2021 registered for
the offences punishable under Section 392 of the Indian Penal
Code.

As per the prosecution case, it is alleged that while
the informant was going along with her husband on a motorcycle
after withdrawing cash of Rs. 2,00,000/- from the bank, in the
meantime, two persons came on a motorcycle and snatched the
bag containing the cash amount. It is further alleged that the



nearby people disclosed the name of the bike rider as Md. Chhotu and the person, who was sitting behind the motorcycle, as Sinku @ Md. Ayan Sohel (the petitioner).

Learned counsel appearing on behalf of the petitioner submitted that during the course of investigation, co-accused Md. Chhotu was apprehended and on his confession the motorcycle, which is alleged to have been used in the crime and identified by the local people have been recovered from the possession of one Jubair. Later on, the petitioner was arrested by the police and from his possession allegedly cash of Rs. 10,000/- has been recovered, however, it is submitted that the same belongs to the petitioner. It is next submitted that the petitioner is in custody since 25.03.2021 but till date neither the petitioner nor the recovered money have been put on Test Identification Parade. It is also submitted that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case. Co-accused Md. Chhotu, on whose confession the motorcycle has been recovered, has already been granted bail by learned co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 23943 of 2022 vide order dated 03.08.2022.

On the other hand, learned APP for the State opposes the bail application and submits that during the course



of investigation the petitioner was identified by the informant in the police station and moreover, cash of Rs. 10,000/- was also recovered from the possession of this petitioner, who also bears three criminal antecedent.

Having considered the submissions made on behalf of the parties and taking into account the fact that save and except the recovery of Rs. 10,000/- which is said to be owned by the petitioner, there is no material and moreover, neither the petitioner nor the recovered cash amount has been put on Test Identification Parade, apart from the fact that the co-accused person on whose confession the motorcycle has been recovered has also been granted bail by learned co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with NTPC Case No. 18 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of



trial till disposal of the case.

- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) 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 cancelling 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.

(Harish Kumar, J)

shakir/-

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

