

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.41837 of 2022**

Arising Out of PS. Case No.-187 Year-2021 Thana- LODIPUR District- Bhagalpur

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SOHAN KUMAR Son of Subodh Mandal Resident of village - Dhobiya  
Pokhar, P.S.- Hatiya Number, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Deep Nishi

For the Opposite Party/s : Mr.Syed Mojibur Rahman

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**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

2      07-09-2022                      Let the defect(s), as pointed out by the office, be  
  
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks bail in connection with Lodipur  
P.S. Case No. 187/2021 registered for the offences punishable  
under Section 379 of the Indian Penal Code.

As per prosecution case, the informant's motorcycle  
was stolen and FIR has been lodged against unknown.

Learned counsel for the petitioner submits that  
petitioner is innocent and has falsely been implicated in this  
case. The petitioner is not named in the FIR and the name of  
petitioner transpired in this case on the basis of confessional  
statement of co-accused, Rohit Kumar in another case i.e.



Munger Tarapur P.S. Case No. 194/2021 before the police. No incriminating article has been recovered from the possession of the petitioner. The petitioner is languishing in custody since 22.11.2021 and bears criminal antecedent of one case. Learned counsel for the petitioner further submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. Except confessional statement nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, petitioner is not named in the FIR, charge sheet has already been submitted in this case and there is no likelihood of tampering with the prosecution evidence and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Bhagalpur in connection with Lodipur P.S. Case No. 187/2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother



or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

**(Alok Kumar Pandey, J)**

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