

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52496 of 2021

Arising Out of PS. Case No.-185 Year-2020 Thana- BIHPUR District- Bhagalpur

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SAURAV KUMAR SON OF NEPALI MANDAL R/O VILLAGE-
SHAHPUR, GHOGHA, P.S.- GHOGHA, DIST.- BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Swapnil Kumar Singh

For the Opposite Party/s : Mr. Ramchandra Sahni

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-02-2022 Heard learned counsel for the parties through video conferencing.

The petitioner seeks regular bail in connection with Bihpur (Jhandapur) P.S. Case No. 185 of 2020 registered for the offence punishable under Sections 379 of the I.P.C. and later on Section 395 of the I.P.C. was added.

The prosecution case as per the First Information Report is that some unknown thieves stolen the tractor of the informant while the informant after parking the same on the road side went to attend nature's call.

Learned Counsel for the petitioner submits that petitioner is not named in the First Information Report and subsequently Section 395 of the I.P.C. has been added on the basis of the re-statement of the informant recorded by the



Investigating Officer in which he has changed earlier prosecution story by stating that six accused persons arrived on a Bolero vehicle and pulled the informant out from his tractor and kept him in the Bolero vehicle and fled away with the informant's tractor. He next submits that name of the petitioner transpired on the basis of confessional statement of the co-accused /Bikash Kumar in Industrial P.S. Case No. 48 of 2020. He further submits that the petitioner was put on T.I. Parade however he was not identified by the informant as stated in paragraph no. 13 of this bail application. He next submits that no looted article and/or incriminating material has been recovered from the possession of the petitioner. He further submits that similarly situated co-accused persons, namely, Gautam Kumar (Cr. Misc. No. 36417 of 2021), Rahool Kumar Sah (Cr. Misc. No. 33574 of 2021) and Vikash Kumar (Cr. Misc. No. 39222 of 2021) and Sushil Kumar (Cr. Misc. No. 43919 / 2021) have been granted bail by this Court. He further submits that the petitioner is in custody since 22 – 01 – 2021, charge sheet has been submitted against him and as such there is no likelihood that the petitioner will abscond and/or tamper with the evidence if released on bail.

Regards being had to the submissions made by the



parties and taking into consideration the materials available on record , the fact that no looted article has been recovered from the possession of the petitioner, he was not identified in T.I. Parade, he is in custody since 22 / 01 / 2021, charge sheet has already been submitted and similarly situated co-accused have been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st Naugachiya in connection with Bihpur (Jhandapur) P.S. Case No. 185 of 2020.

This is subject to the condition that the petitioner shall present himself before the court below as and when required and in the event of failure on his part to appear before the court below on two consecutive occasions, his bail bonds shall liable to be cancelled.

(Anil Kumar Sinha, J)

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