

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52576 of 2021

Arising Out of PS. Case No.-51 Year-2018 Thana- KHUDAGANJ District- Nalanda

SANNU KUMAR S/o NAND KISHORE SHARMA @ NAND KISHORE
SINGH R/o VILLAGE-GAUHARPUR, P.S-KHIJAR SARAI, DISTRICT-
GAYA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lovekush Kumar, Advocate

For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 06-01-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Khudaganj
P.S. Case No. 51 of 2018 registered for the offences punishable
under Sections 379/34 of the IPC.

The prosecution story in brief is that in the night of
10.05.2018, pickup van of the informant which was loaded with
surf, had stolen away by unknown thieves.

Learned counsel for the petitioner submits that



petitioner is innocent and has committed no offence and he has falsely been implicated in the present case. Petitioner is not named in the FIR. The FIR has been lodged against unknown person. It is further submitted that name of the petitioner has been transpired on the basis of confessional statement of co-accused, namely, Vivek Kumar and Praduman Kumar. Except confessional statement of co-accused, no other cogent material has come against the petitioner. It is further submitted that co-accused Subhash Kumar @ S.K.Y. has been granted bail by a co-ordinate Bench of this court vide order dated 25.10.2021 passed in Cr. Misc. No. 19873 of 2021. Similarly, co-accused Pradumman Kumar has been granted bail by a co-ordinate Bench of this court vide order dated 26.11.2021 passed in Cr. Misc. No. 32763 of 2021. Similarly, co-accused Vivek Kumar has been granted bail by this court vide order dated 22.12.2021 passed in Cr. Misc. No. 43642 of 2021. Petitioner is in custody since 01.04.2021.

The learned Additional Public Prosecutor opposed the prayer of bail submitting that petitioner carries two criminal antecedent.

Considering the aforesaid facts and circumstances as well as 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 the learned Additional Chief Judicial Magistrate-1st, Hilsa in connection with Khudaganj P.S. Case No. 51 of 2018, subject to 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 absence on two consecutive dates without sufficient reason, his 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.

3. 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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