

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64053 of 2021

Arising Out of PS. Case No.-28 Year-2021 Thana- SIKANDRA District- Jamui

Santosh Kumar @ Nitish Kumar S/o Baijnath Mahto R/o village- Bhullo
Sabal Bigha, P.S.- Sikandra, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Mishra, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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 a case registered for the offences punishable under Sections 394 and 411 of the Indian Penal Code.

According to prosecution case, the informant is C.S.P. Operator at Lachuar and Sabalbigha. On 20.01.2021 informant with his Assistant Saurav Kumar going from State Bank Sikandra to C.S.P. Lachuar and C.S.P. Sabalbigha on his motorcycle then three persons on his Pulsar motorcycle came and surrounded the informant. Accused persons tried to snatch the motorcycle of the informant and also obtain both of them. These



accused persons snatched Bag of informant carrying Rs.3,00000 + 1,76,000 total Rs. 4,76,000/-) and fled away.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case only on the basis of confessional statement of co-accused namely Birendra Yadav. He further submits that it appears from the F.I.R. as well as seizure list that some cash, one motorcycle and one mobile has been recovered from the conscious possession of the petitioner. Apart from that Aadhar Card, Pan Card and cheque book are shown to be recovered by the police only to falsely implicate the petitioner in the present case. He further submits that similarly situated, co-accused, namely, Birendra Kumar @ Pallu Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 10.03.2022 passed in Cr. Misc. No. 43609 of 2021. The petitioner is in custody since 21.01.2021.

The learned A.P.P. has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, 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 Court



below where the case is pending in connection with Sikandra
P.S. Case No. 28 of 2021, G.R. No. 231 of 2021, 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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