

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45128 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- SUIYA District- Banka

Shatrudhan Kumar @ Mridang Kumar Son of Shailesh Pandit Resident of
village - Simariya, P.S. - Belhar, Dist.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Adv.

For the Opposite Party/s : Mr. Anil Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 29-11-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner seeks regular bail in connection with Suiya
P.S. Case No. 03 of 2022 registered for the offence punishable
under Section 392 of the Indian Penal Code.

As per the prosecution, the informant and his
colleague were looted by some unknown miscreants. Further it
was alleged that the accused persons looted their motorcycles,
mobile phones and cash of Rs. 35,273 and Rs. 23,386 from their
possession.

The main submissions advanced by learned counsel



Mr. Vibhakar Kumar appearing for the petitioner are that the FIR was lodged against unknown persons and the petitioner has criminal antecedent of one case in which his bail petition is pending before this Court and after his arrest in the present matter the police failed to recover any of the looted articles and there is no any legal material against the petitioner to connect him to the alleged offence of the present case and he has been languishing in jail since 24.01.2022.

Learned APP Mr. Anil Prasad Singh appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR and the order impugned. Though the instant matter relates to loot and as per the statement made in this petition the petitioner has criminal antecedent of one case but according to petitioner's defence the police failed to recover any of the looted articles after he was taken into custody in the present matter and the said defence has not been refuted by the learned APP and while rejecting the petitioner's bail prayer the learned court below mainly relied upon the re-statement of the informant, statement of witnesses and self-statement of this petitioner and it does not appear that any recovery of the looted articles was made from the possession of this petitioner and the order of the court below



also goes to show that the against the petitioner investigation has been completed. Considering these facts and mainly taking into account the petitioner's above submissions and his custody period, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the petitioner be enlarged 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 Court concerned in connection with Suiya P.S. Case No. 03 of 2022, further on this condition that if any evidence contrary to the above defences of the petitioner is found then the prosecution will have a liberty to take action against the petitioner by making a prayer for cancellation of the petitioner's bail bond before the court below.

(Shailendra Singh, J)

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