

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55061 of 2021

Arising Out of PS. Case No.-290 Year-2021 Thana- SIWAN CITY District- Siwan

Sonu Miya, Son of Late Nuruddin Mian, R/O Village- Chhapiya, P.O.S.-
Hussainganj, District- Siwan, At Present R/O Village- Nawalpur, P.S.- Siwan
Town, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-09-2022 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Shailendra Kumar Dwivedi, learned
counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Siwan Nagar P.S. Case No. 290 of 2021
registered for the offences punishable under Sections 392,
120(B) of the Indian Penal Code.

As per prosecution case, it is alleged that while the
informant along with co-passenger Satyendra Rai were going to
Babunia more to catch bus, in the meantime, three miscreants
intercepted them and on the point of pistol snatched his bag,



purse and mobile and other valuables.

Learned counsel for the petitioner submits that the F.I.R. has been instituted against unknown. However, just after three days of the alleged occurrence, the petitioner was apprehended in connection with Siwan Town PS Case No. 297 of 2021 registered for the offences under the Arms Act and thereafter he has been remanded in this case on the basis of suspicion. He next submits that on being apprehended, the confessional statement of the petitioner was recorded and it appears that a mobile phone, allegedly said to have been looted article, has been recovered on the basis of his disclosure. He further submits that neither the petitioner nor the alleged looted mobile phone was put on Test Identification Parade and save and except the allegation that the mobile phone has been recovered from the possession of the petitioner, there is no other material showing the complicity of the petitioner. He further submits that only because of the past criminal antecedent of the petitioner, his name has been implicated in this case and, moreover, he is in custody since 15.07.2021.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the looted mobile has been recovered from the possession of the



petitioner and this petitioner having multiple criminal antecedent. In response of the aforesaid submissions, learned counsel for the petitioner submits that out of five cases, the petitioner is in bail in four cases.

Regard being had to the submissions that the F.I.R. has been instituted against unknown persons and the petitioner has been remanded in this case from Siwan Town P.S. Case No. 297 of 2021 only on suspicion, and neither the petitioner nor the alleged looted mobile has been put on Test Identification Parade, though the petitioner is in custody since 15.07.2021, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Siwan Nagar P.S. Case No. 290 of 2021 subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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