

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56523 of 2021

Arising Out of PS. Case No.-95 Year-2020 Thana- RUNISAIDPUR District- Sitamarhi

Pawan Kumar @ Vivek, S/O Sanjeev Kumar Shukla @ Sanjiv Sukla @
Sanjeev Kumar, R/O Village-Pakari, P.S-Gaighat, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Bela Singh, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-04-2022 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with S.T. No.78 of 2021 arising out of Runnisaidpur P.S. Case No.95 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code. He is in custody since 26.09.2020. The petitioner has got three criminal antecedents.

Learned counsel for the petitioner submits that, as per the prosecution story, three unknown persons came with arms in the office of the informant and looted the cash of Rs.1,88,960/-, 13 mobile phones, bio-metrics device, CCTV etc. and fled away after locking the door.



Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the name of the petitioner has transpired in the confessional statement of the co-accused Manjay Kumar who has already been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.24208 of 2021.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the name of the petitioner has transpired in the confessional statement of the co-accused Manjay Kumar and except the said confessional statement there is no material against the petitioner, the co-accused Manjay Kumar @ Avinash @ Rohit has been granted bail by a learned coordinate Bench of this Court in Cr.Misc.No.24208 of 2021, the petitioner is in custody for over one and half year but the trial is not likely to be concluded in near future and his presence may be secured in course of trial, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Runnisaidpur P.S. Case No.95 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

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.

And further condition that during trial of the present case once in every two months the petitioner shall mark his attendance before the S.H.O. of Gaighat police station in the District of Muzaffarpur and shall keep on furnishing his complete whereabouts and mobile number to the S.H.O. If he is required to go outside the jurisdiction of the police station in connection with any employment etc. then also he will furnish his address and other information to the S.H.O. Non-compliance with this condition shall be reported by the S.H.O. of Gaighat police station to the learned court below and steps shall be taken for cancellation of the bail of the petitioner.

Let a copy of this order be sent to the office of Superintendent of Police, Muzaffarpur for necessary action.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

