

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57675 of 2021

Arising Out of PS. Case No.-255 Year-2021 Thana- RAJAOLI District- Nawada

Shankar Kumar Son of Late Mundrika Yadav Resident of Village - Daulatpur,
Gulabi, P.S.- Attri, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr.Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-04-2022 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 419, 420, 467, 468, 120(B), 399, 402 of the Indian Penal Code.

According to prosecution case, on 31.05.2021 informant got information that the culprits are moving on N.H. 31 upon which the constituted a police team and reached near Mahadev Morh, where 5-6 persons were on a Scorpio out of whom one man was checking the vehicle on N.H.31 and seeing the police force they began fleeing but the police party chased



and caught them near Samrat Hotel. It is further alleged in the F.I.R. that they admitted their names Mukesh Kumar, Nitish Kumar, Sanjeet Singh, Shankar Kumar, Ujawal Kumar and Bikky Bharti. It is further alleged in F.I.R. that informant searched them and their vehicle and recovered screen touch mobiles, dagger and cash from their possession and he further recovered 100/- summon notice of transport department.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the name of the petitioner has been transpired only on the basis of self confessional statement of petitioner. He further submits that it appears from the seizure list that one knife and one mobile has been recovered from the possession of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Mukesh Kumar, Sanjit Singh and Vicky Bharti have been granted bail by a co-ordinate Bench of this Court vide order dated 30.03.2022 passed in Cr. Misc. No. 51680 of 2021 and Cr. Misc. No. 50224 of 2021 and another co-accused namely, Nitish Kumar @ Nitish Raj has been granted bail by a co-ordinate Bench of this Court vide order dated 01.02.2022



passed in Cr. Misc. No. 57507 of 2021. The petitioner is in custody since 01.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail on the ground that petitioner carries one criminal antecedent other than the present one.

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 Rajauli P.S. Case No. 255 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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