

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59297 of 2021

Arising Out of PS. Case No.-144 Year-2020 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Md. Samsad S/o Md. Sanjar Miya @ Sangar Miya @ Sanjar Miya @ Md.
Sanjar Resident of Village - Karor Surajagar, P.S. - Cheria Bariyarpur, District
- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate.

For the Opposite Party/s : Mr. Shaheen Begum, APP.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-04-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

At the very outset the learned counsel for the
petitioner submits that on account of mistake, a different order
of bail of a co-ordinate Bench has been made annexed as
Annexure 2 to this petition which is not connected with the
present case and, as such, the petitioner seeks liberty that he will
not press Annexure 2.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The application has been filed for grant of bail to the
petitioner, above named, who has been made accused and put



behind the bar in connection with Cheria Bariyarpur P. S. Case No. 144 of 2020 registered for the offences punishable under Section 392 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 29.07.2020, while the informant was going to Manjhaul along with his friend on his motorcycle, three miscreants intercepted them and on the point of pistol they looted the motorcycle, mobile phones and cash from this petitioner and his friend.

It is submitted by the learned counsel for the petitioner that the name of the petitioner has transpired on the confessional statement of co-accused Manchun Kumar @ Munchun Kumar and except that confessional statement, there is no material which suggest the complicity of the petitioner in the present case. It is next submitted that the co-accused Manchun Kumar @ Munchun Kumar, on whose confession the name of the petitioner transpired, has already been granted bail by a co-ordinate Bench of this Hon'ble Court in Cr. Misc. No. 9792 of 2021 vide order dated 06.07.2021. A copy of which has been produced before this Court and the same is kept on record. It is further submitted that though the petitioner is in custody since 22.05.2021 but till date he has neither been put on T.I.P. nor any recovery has been made from the possession of this



petitioner.

On the other hand, learned APP for the State opposes the bail application of this petitioner and submits that the petitioner is found to be involved in one another case for an offence of theft.

Having heard the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is not named in the F.I.R. and is in custody since 22.05.2021 but till date he has neither been put on T.I.P. nor any incriminating material has been recovered from the possession of this petitioner. Apart from the fact that the co-accused person, in whose confessional statement the name of the petitioner has come, has already been granted bail by co-ordinate Bench of this Hon'ble Court, let the petitioner, above named, 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 Additional Chief Judicial Magistrate, Manjhaul, Begusarai in connection with Cheria Bariyarpur P. S. Case No. 144 of 2020, 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.

(Harish Kumar, J)

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