

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.50424 of 2022**

Arising Out of PS. Case No.-277 Year-2022 Thana- SUPAUL District- Supaul

Sumit Kumar Son Of Sri Ram Yadav R/O Village- Pathraha, P.S.- Ghelarih
And District- Madhepura

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 23-12-2022 Learned counsel for the petitioner undertakes to
remove the SR defects by 16th January, 2023.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail
in connection with Supaul P.S. Case No. 277 of 2022 registered
for the offences punishable under Section 392 of the Indian
Penal Code, however section 411 of I.P.C. was also added. He is
in custody since 19.03.2022 having two criminal antecedents as
stated in paragraph '3' of the application.

As per the prosecution story, the informant has
alleged that while he was going to purchase diesel from his
Pulsar Motorcycle in order to irrigate his field, three persons
who were on motorcycle stopped him on the gun point,



assaulted him and snatched his mobile and Rs. 1000/- from his pocket and fled away.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner is not named in the FIR, however he is in custody since 19.03.2022.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this petitioner is not named in the FIR, even has he is in custody since 19.03.2022, till date no Test Identification Parade has been conducted and there is no recovery from the possession of the petitioner, investigation against him is complete and at this stage there is no submission that his release is likely to result in tampering with the evidence or interfering with the course of trial or that his presence may be secured in course of trial, therefore, this Court directs release of the petitioner above named on bail on furnishing of 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, Supaul in connection with Supaul P.S. Case No. 277 of 2022, 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.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

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