

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50346 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- MIRGANJ District- Gopalganj

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SUMIT KUMAR SINGH @ SRI RAM SINGH S/o Brij Bihari Singh R/o
Village- Bhatiwana, P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard learned counsel for the petitioner and learned

APP for the State through video conferencing in view of the

COVID 19.

Let the defect(s), if any, as pointed out by the office

be removed within four weeks.

The petitioner is an accused in connection with

Mirganj P.S. Case No. 440 of 2021 for the offence registered

under Section 392 of the Indian Penal Code.

As per the prosecution story, the informant alleged

that while he was going to Gopalganj from Siwan on his

motorcycle, three miscreants came on a motorcycle and

intercepted him on a gun point and later fled away with his

vehicle. Accordingly, the FIR was lodged. Subsequently, during



the investigation, the name of the petitioner cropped in.

Learned counsel for the petitioner submits that although he has been remanded in this case on 05.04.2022 (as stated in paragraph-12 of the bail application), there has not been any recovery from his possession. He has further given a categorical statement that despite being remanded in this case, no T.I. Parade has been done. It is his submission that if this statement is found wrong, the bail, if granted, be not executed. He however, concedes that the petitioner do have criminal antecedent but that has become basis for the Police to implicate him in every second such cases.

Taking into account the aforesaid facts that despite being in custody in this case, no T.I. Parade has been done as stated by the learned counsel for the petitioner and no recovery has been made, as also that he is in custody since 05.04.2022, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of A.C.J.M.-XV, Gopalganj in connection with Mirganj P.S. Case No. 440 of 2021, subject to the following conditions in view of the fact that he has criminal antecedent.



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall leave the district (Gopalganj) for a period of six month(s) after providing name and address and police station of his place of stay during the said period and he shall be duty bound to visit the police station concerned (where he will stay) every week to mark his attendance;

(iv) upon return to his district, he shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(vi) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.



With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Jagdish/Neha-

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