

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52671 of 2022

Arising Out of PS. Case No.-337 Year-2021 Thana- NAUBATPUR District- Patna

SUNNY KUMAR SON OF LATE RAJ KUMAR YADAV RESIDENT OF
VILLAGE- CHAKCHACHAUL (CHAKIYPUR), P.S. NAUBATPUR,
DISTRICT- PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhaneshwar Prasad Gupta

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-12-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with S. Tr.
No. 102 of 2022, arising out of Naubatpur P.S. Case No. 337 of
2021 registered for the offences punishable under Section 394 of
the Indian Penal Code after investigation charge sheet has been
submitted under Section 395/412 of Indian Penal Code.

As per prosecution case, four miscreants on two
motorcycles looted Rs. 2500/- in cash, A.T.M. Card, Driving
License, Pan Card, Aadhar Card, Mobile Phone of informant. It
is further alleged that they also looted the bag kept with



informat's staff in which Laptop and Tablet alongwith their papers, Rs. 50,000/- in cash, mobile phone and motorcycle and fled away.

Learned counsel for the petitioner submits that petitioner is in custody since 09.02.2021. Petitioner bears criminal antecedent eight cases. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that petitioner is not named in FIR. The name of the present petitioner has been transpired in this case upon the confessional statement of co-accused during the course of investigation. Except the confessional statement of co-accused, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Petitioner is quite innocent and has been falsely implicated in this case. No incriminating article or stolen article has been recovered from the possession of the petitioner. The petitioner has not put up on T.I.P.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner keeping in view the series of criminal antecedent of the present petitioner. It is claimed that he is having age group of 21 years.



Considering the facts and circumstances of the case, period of custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, no incriminating article has been recovered from the possession of the petitioner, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge – V, Danapur, Patna in connection with S. Tr. No. 102 of 2022, arising out of Naubatpur P.S. Case No. 337 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(iv) Petitioner shall furnish mobile number at the time of furnishing bail bond and the said mobile number shall continue in operating condition till disposal of the case and he shall get his presence marked before the officer-in-charge of the concerned police station on the first Tuesday of every month.

(v) Petitioner shall not leave the territorial jurisdiction of the concerned trial court without appropriate permission of the court concerned.

(vi) However, if petitioner violates any of the conditions, the learned trial court is at liberty to cancel the bail bond of the petitioner.

(Alok Kumar Pandey, J)

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