

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64551 of 2021

Arising Out of PS. Case No.-2 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Sonu Kumar, S/o Sanjay Thakur, R/o Village- Ramdiri Nakti Tola, P.S.-
Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Nowkothi P.S. Case No. 02 of 2020 registered for the alleged offences under Section 392 of the Indian Penal Code.

As per prosecution case, two unknown miscreants stopped the informant and forcibly took away Rs. 21,155/- from him. The name of the petitioner transpired as an accused during investigation.



The learned counsel for the petitioner submits that the petitioner is not named in the FIR and has been falsely implicated in this case merely on suspicion. The petitioner was named in this case in the confessional statement of co-accused which has got no legal sanctity. Nothing incriminating has been recovered from this petitioner or at his instance. No Test Identification Parade has been conducted. There is no eye-witness to the alleged occurrence. The petitioner is in custody since 24.09.2020 and the charge-sheet has been submitted in this case. Learned counsel further submits that though the petitioner has been made accused in several criminal cases, but he is on bail in all those cases.

Learned APP opposes the prayer for bail submitting that the name of the petitioner came up during investigation.

Perused the records.

Having regard to the submissions made hereinabove and considering the submission of charge-sheet as well as the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Begusarai in connection with Nowkothi P.S. Case No. 02 of 2020, subject to



the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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