

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64749 of 2021

Arising Out of PS. Case No.-205 Year-2021 Thana- MANSI District- Khagaria

SAROJ KUMAR Son of Ramnath Yadav Resident of Village - Amni, Ward
No.- 9, P.S.- Mansi, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhim Kumar Yadav, Adv

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Section 392 of the I.P.C. and converted under Sections 395,412 of the Indian Penal Code.

According to prosecution case, the informant Nitesh Kumar sah has given his written complaint to the S.H.O. Mansi police station alleging therein that on 18.07.2021 in the night four unknown persons entered into his house over through his wall and all the said persons on the point of arms, 800 gms. Silver amounting to Rs.40,000/- and 110 gms. Gold amounting



to Rs. 5 lacs and cash amounting to Rs.25,000/- has been looted and they also taken away to mobiles from there.

Learned counsel appearing for the petitioner submits that the petitioner is not named in the FIR. The name of the petitioner has been transpired on the basis of the confessional statement of co-accused, namely, Shravan Kumar. He further submits that nothing has been recovered from conscious possession of the petitioner and till date no T.I. Parade has been conducted by the prosecution and the police, after investigation, submitted chargesheet against the petitioner. He further submits that similarly situated, co-accused, namely, Bhawesh Yadav has been granted bail vide order dated 01.04.2022 passed in Cr. Misc. No.63173 of 2021 and another co-accused, namely, Banshraj Kumar has also been granted bail vide order dated 08.04.2022 passed in Cr. Misc. No.64090 of 2021 by this Hon'ble Court. Petitioner is in custody since 27.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner carries one more case other than the present one.

Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of learned Court below where the case is pending in connection with Mansi P.S. Case No. 205 of 2021, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) 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.

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.

(Rajesh Kumar Verma, J)

Nitesh/-

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