

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65538 of 2021**

Arising Out of PS. Case No.-314 Year-2020 Thana- MAHNAR District- Vaishali

SONU KUMAR @ SONU Son of Suresh Bhagat Resident of Village- Maraut Pur, P.S.-
Desari (Vaishali), Dist- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha, Advocate
For the Opposite Party/s : Mr.Lalan Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 31-08-2022 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 Mahnar P.S. Case No. 314 of 2020 registered for the alleged offences under Sections 356, 379 and 34 of the Indian Penal Code.

As per prosecution case, the informant and her husband withdrew Rs. 1,40,000/- from two banks and kept the money along with passbook, Aadhar card, PAN card and Ration card in a bag. While they were on way to their house, two miscreants on a motorcycle snatched the bag and fled away. The name of the petitioner transpired during investigation as one of the accused



persons.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. He is not named in the FIR and nothing incriminating has been recovered from his person or possession. The petitioner has been named in this case merely on suspicion and his name transpired in the confessional statement of co-accused and thereafter his confession was extracted. No Test Identification Parade has been conducted to identify the miscreants. The petitioner is also accused in six more cases but he is on bail in five such cases and his bail was rejected in one case. Charge sheet has been submitted in this case and the petitioner is in custody since 05.07.2021.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that the name of the petitioner transpired in the confessional statement of co-accused but he concedes that no recovery has been made from this petitioner. Learned APP further submits that the petitioner is a habitual offender and a number of cases are pending against him.

Having regard to the facts and circumstances and submission made on behalf of the parties and also considering the fact that no recovery has been shown from the petitioner and he is in custody since more than a year along with submission of charge sheet against him, the petitioner above named 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 Chief Judicial Magistrate, Vaishali at Hajipur in connection with Mahnar P.S. Case No. 314 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 a close relative of the petitioner.
- (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)

Gautam/-

U		T	
---	--	---	--

