

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55791 of 2022

Arising Out of PS. Case No.-285 Year-2022 Thana- HISUWA District- Nawada

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SURJIT KUMAR @ GOPAL KUMAR Son of Sanjay Sharma @ Sanjay
Thakur R/V- Rame, P.S- Nardiganj, Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary

For the Opposite Party/s : Mr.Zainul Abedin

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-12-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks bail in connection with Hisua
P.S. Case No. 285 of 2022 registered for the offence punishable
under Section 392 of the Indian Penal Code.

As per prosecution case, on 24.05.2022 the
informant was returning back to his house from the reception
party, meanwhile informant's bike was overtaken by four
unknown persons and they snatched two mobiles i.e. Vivo and I-
phone as well as Rs. 2100/- from the informant.

Learned counsel for the petitioner submits that
petitioner is not named in the FIR and his name has been
surfaced upon the confessional statement of co-accused
recorded in Hisua P.S. Case No. 332 of 2022 and thereafter



petitioner has been dragged in the present case and he also confessed his guilt in the present occurrence. He further submits that on the basis of said self confession, the petitioner has been remanded in the present case on 08.08.2022 and since then he is in custody. Except confessional statement, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. No incriminating article has been recovered from possession of the petitioner. Petitioner has not been put on TIP. Petitioner bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

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, nothing has been recovered from his possession, 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



Chief Judicial Magistrate-VI, Nawada in connection with Hisua
P.S. Case No. 285 of 2022, 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.

(Alok Kumar Pandey, J)

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